



# Memorandum

**City Attorney**

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DATE: February 8, 2019

TO: Mayor and City Council

FROM: Judi Baumann, City Attorney (Ext. 8779)

SUBJECT: Code of Conduct - Update

Pursuant to the Council's direction in Executive Session on January 31, 2019, attached are redacted copies of the investigative report and interview transcript concerning the Code of Conduct matter

**REMINDER: PLEASE PUT ALL MEMORANDUMS FROM THE CITY ATTORNEY'S OFFICE WHICH ARE MARKED "CONFIDENTIAL" INTO A SEPARATE CONFIDENTIAL FILE. ANY PUBLIC RECORDS REQUESTS FOR INFORMATION FROM A CONFIDENTIAL FILE SHOULD BE REFERRED TO THE CITY ATTORNEY'S OFFICE.**

Ms. Barnes: Okay.

Mr. Granville: I'm (Inaudible) watch it go up and down.

Ms. Barnes: No problem.

Mr. Granville: It's like a little equalizer thing that's totally (Inaudible) to me.

Ms. Barnes: Right? All right, so this is, what are we, November 7, 2018, 1:30 PM and we're at Julia Cassels' office who represents Colby Granville and we're here for me to conduct an investigation interview in line with my investigation on behalf of the City of Tempe. So you're aware that I'm doing that. She's filled you in and I'm here basically sort of as outside consultant for the city to conduct an investigation whether or not there's been code of conduct violations for the things you've been accused of over this last year.

Mr. Granville: Yes.

Ms. Barnes: Okay. I'll start with just some general questions. What are you doing now for, you know, professionally?

Mr. Granville: I am working as a legal biller reviewer. I own an escape room that I started. I own a phone app company that I started.

Ms. Barnes: What kind of phone app?

Mr. Granville: I'll show it to you if you like.

Ms. Barnes: Sure.

Mr. Granville: So what it does is, it's a way to do faster user reporting,

Ms. Barnes: Uh huh.

Mr. Granville: So on the button, you've got some options like, things that whatever cities have, let's start on graffiti. I click on the graffiti, it takes a picture of whatever the graffiti is and then it emails it to whatever city I'm in,

Ms. Barnes: Okay.

Mr. Granville: and so that works in basically every city over 5,000 people in North America.

Ms. Barnes: Um, good.

Mr. Granville: Then I also own a sports apparel company called Tempe Ice Apparel.

Ms. Barnes: Tempe Ice?

Mr. Granville: Ice apparel yeah. It's athletic shirts that hold ice in them.

Ms. Barnes: Okay.

Mr. Granville: Sometimes I do legal work.

Ms. Barnes: Like contract review?

Mr. Granville: Yeah, actually criminal stuff, but yeah, but just like coverage, stuff that I can do for like two or three hours and be done with it. Kind of a professional hobbyist.

Ms. Barnes: Okay. And so do you do all these things just out of your home or do you

Mr. Granville: The legal billing I do at work. I'm also on the city council, sorry I forgot that. So the legal bill review I do out of the office where I work. The escape room, I do an escape room that I have a lease on. The ice shirts I do out of my house through websites and Amazon and stuff. The app I do out of my house or a coffee shop. Council I do pretty much everywhere.

Ms. Barnes: When you said a legal bill reviewing stuff that you do out of your office, what office is that?

Ms. Barnes: I work at the office for the company, not my office.

Ms. Barnes: Got it, and what's the company?

Mr. Granville: So I have to ask you, if I can,

Ms. Barnes: Okay.

Mr. Granville: So I have had a few different times now where people have found out where I work and they've called my bosses in an effort to get me fired, so I would, if that information is going to be public, I'd rather not say because I've gone through many jobs that way, you know? And I would like to try and keep one.

Ms. Barnes: I don't have to include it in anything that I do as a report.

Mr. Granville: Oh, okay, as long, again, I don't mind telling you, I just don't want people calling my boss to try and get me fired.

Ms. Barnes: Yeah, no, I will not use that. I won't contact anybody and I'm not going to use it to identify

Mr. Granville: Okay, [REDACTED]. They basically are the middle person between big law firm and big companies to make sure that big law firms are billing according to the legal guidelines that they, the contract they signed.

Ms. Barnes: Got it.

Mr. Granville: Not billing for travel time or

Ms. Barnes: Okay. All right, and are you currently in a relationship?

Mr. Granville: Yes.

Ms. Barnes: And how long?

Mr. Granville: Depends on when you count from. The first time we went out was August of '17. I think we sort of made it Facebook official, I think that's the thing now, end of November '17 and she's living with me now. And actually, by the time this bookwork comes out, so I can say this, the plan is to propose to her at the end of her 50 mile race.

Ms. Barnes: Which is when?

Mr. Granville: December 5<sup>th</sup>, so hopefully, pretty soon I'll be engaged.

Ms. Barnes: Congratulations.

Mr. Granville: I feel like after 50 miles she'll be too tired to say no.

Ms. Barnes: And how did you meet her?

Mr. Granville: I originally met her ten years ago when I was in law school and she was also at ASU as a student.

Ms. Barnes: You were in law school at ASU?

Mr. Granville: Yeah, I was in law school at ASU and she was also at ASU and she was on the ASU cycling team and I was, a friend of mine was on the cycling team and asked if I'd come out and like run the timer.

Ms. Barnes: Uh huh.

Mr. Granville: And so that's the first time I met her and then we sort of off and on stayed friends and we went out, I finally asked her out on a date whenever. Actually, I originally asked her out when I was in Iceland last, like June of '17, but she had a couple of Iron Mans to do and stuff so she's like I can't stay up past 8:00, blah, blah, blah, and so eventually, got it sorted out.

Ms. Barnes: And you guys both do that.

Mr. Granville: Uh huh. I've done two Iron Mans, she's done 11. She's in much better shape than I am.

Ms. Barnes: Okay. And she, had she been a student of yours prior to that that you're aware of, when you were teaching?

Mr. Granville: My girlfriend now?

Ms. Barnes: Correct.

Mr. Granville: Oh, God, no.

Ms. Barnes: Well, I know you said you met her when she was an undergrad, so I just was, had she ever been a student of yours prior to that, well, you were in law school then so you weren't teaching then.

Mr. Granville: No, I wasn't teaching, no.

Ms. Barnes: Okay. You started teaching when?

Mr. Granville: At Tempe Prep?

Ms. Barnes: Right.

Mr. Granville: The day after Martin Luther King Day 2013.

Ms. Barnes: So 1/16ish of 2013?

Mr. Granville: Yes.

Ms. Barnes: And what did you teach?

Mr. Granville: Humane Letters and 8<sup>th</sup> Grade US History from 1865 to the present. Although, yeah, every year I taught different classes pretty much, but that's what I started with.

Ms. Barnes: Humane Letters was for what grades? Upper? Upper?

Mr. Granville: I have taught 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Humane Letters.

Ms. Barnes: Okay. And you taught before that?

Mr. Granville: Yeah.

Ms. Barnes: Where did you teach?

Mr. Granville: I taught a year in China; I taught a year in Mozambique; I did my student teaching at Carson Jr. High in Mesa; I taught at ASU when I was a graduate student to a computer literacy class.

Ms. Barnes: Uh huh.

Mr. Granville: I taught at Aetna Financial Services, a financial trailer. Was instructional designer for Fortune 500 companies, like Wells Fargo, Bank of America. I'm probably forgetting a few places I've taught. I taught recently at Grand Canyon University; I taught University of Phoenix online.

Ms. Barnes: What did you teach at GCU?

Mr. Granville: Legal, I think, Business Corporations and Legal Ethics or some version of that I think is what it's called.

Ms. Barnes: When was that?

Mr. Granville: It was after I was fired, so that would have been, I think I started this last fall, so I started in, whenever fall is.

Ms. Barnes: Fall of '17?

Mr. Granville: Yeah, I started in August of '17 for that job.

Ms. Barnes: And when were you terminated from TPA?

Mr. Granville: End of December, it's like fall of '18 for that.

Ms. Barnes: Okay.

Mr. Granville: Sorry, it was just like a couple months ago.

Ms. Barnes: December of '17 you were terminated from TPA, right? Last December.

Mr. Granville: Yes, I believe so. Yeah, December of '17, cause it was, that's correct, I apologize. It's hard to keep all the dates straight.

Ms. Barnes: Sure. Can you just tell me about how that came to be, how they approached you, what was said to you, like how did it happen that you were terminated?

Mr. Granville: Yeah, I'd be happy to tell you that.

Ms. Barnes: Explain to me what happened.

Mr. Granville: So, the last day of school, the end of the fall semester, so end of December, I was doing finals or whatever you do on the last day and somebody called me on the phone in the classroom and said, hey, can you come into the school after you're done teaching today, come and talk to the headmaster.

Ms. Barnes: Which day was that? I'm sorry.

Mr. Granville: The last day of whenever classes were.

Ms. Barnes: Just so, the first or second week in December, somewhere in there.

Mr. Granville: Yeah, I'd say like December 16<sup>th</sup>, 17<sup>th</sup>, something like that. I assumed I was going to get, I had a series of ongoing frustrations with our new headmaster, they went through four headmasters in five years, about me giving too much homework. I'm sorry, I've gotten a couple of conversations about that, so I assumed it was going to be a continuation of that or I was working with the Red for Ed movement about teachers' pay and about teacher equity and they used me for a Facebook ad, so I figured it was going to be one of those two things. When I came in, there were, the headmaster was there, the sort of head of the teachers was there, Carissa Drake,

Ms. Barnes: Carissa Drake?

Mr. Granville: Yeah.

Ms. Barnes: And who was the headmaster at the time?

Mr. Granville: The same one that it is now,

Ms. Barnes: That's Rebecca's husband?

Mr. Granville: No. We want, he was like three headmasters ago.

Ms. Barnes: Prior to that, okay.

Mr. Granville: Yeah. I can't think of his name. I'm sorry. If it comes to me, I'

Ms. Barnes: I'll look it up.

Mr. Granville: He's like 6'4", he'd be hard to miss.

Ms. Barnes: Okay.

Mr. Granville: And then another guy, Keating? Whoever like this disciplinarian guy is, I remember his name. And they basically said, hey, there have been accusations. If we tell you the accusations, then you'll have either resigned or been fired, like in lieu of an investigation. If you resign now before we tell you why you're sitting here, then to the whole world, we will simply say you resigned. I was totally dumbfounded about why I was sitting in the room at all, caused that seemed to be excessive for giving too much homework and I said no, tell me what you got to tell me and they said well, there have been accusations as it relates to students and so we're going to bring in a lawyer and you're going to talk to the lawyer. So they all got up and left and a lawyer came in with an associate, like a partner with an associate.

Ms. Barnes: John Kelly?

Mr. Granville: I don't know, but it could be, some big law firm.

Ms. Barnes: Okay.

Mr. Granville: And he said tell me everything you know and I say, I don't know what you're talking about. So he showed me a couple of things, most of which I had not thought or considered or even, and he said, what do you think about all of this and I was like, I got nothing. I don't know what to tell you, like this, it's not true, I don't remember any of it. It's the kind of thing that if it had happened, I would certainly remember it and he, the whole conversation lasted 15 or 20 minutes. Like as long it took him to show me documents and for me to be like, I don't know what you're talking about. He then

asked me to leave so he could confer with staff. I then sort of tried to like piece together vaguely what was happening while they were conferring. They invited me back into the room and said, you have one more opportunity to resign and I was like, I'm not going to resign for things that aren't true. And he said, okay, you're fired. And that was the end of it and then it was only later when I, I still don't have, I still don't know any of their paperwork or documents. I don't, like they didn't hand me anything.

Ms. Barnes: What did they show you? What did he show you?

Mr. Granville: I'm not sure they showed me anything. He showed me one photo of [REDACTED] and I at a movie that we had taken together. He said, is this you and [REDACTED] at a movie? And I said, yeah, we dated. I didn't keep anything a secret.

Ms. Barnes: Uh huh.

Mr. Granville: Like we dated for, at the time I didn't have the dates right, but I was like roughly this long, here's what happened, we broke up, here's how we broke up. They may have like shown me there was an email, but I don't if I had the opportunity to even read it. And then the termination letter I got was simply a, like you are terminated sort of letter.

Ms. Barnes: And they handed it to you right then or

Mr. Granville: Yeah, they already had it written up.

Ms. Barnes: Okay.

Mr. Granville: I said, okay. I said, give me a couple of days or a week and I'll get all my papers graded and get my grades in and get my stuff done. And they were already, no, you've already been locked out of your email system and out of your network folders and like the papers are not your problem anymore. And I was like, really? Cause it's a Socratic discussion class and a long essay exams, how would anyone know what we talked about to grade them and they were like, nope, not your problem. And so I handed them a stack of papers about that big and it was like, well, there's at least a silver lining, here you go, I don't have to grade 30 hours of papers and so, that was it. They had somebody walk me to my desk with a box. By now, it's like maybe 3:30 or 3:45. There's still students on campus. I mean it hadn't taken that long. I put what I could in the box, gave them my keys and that was that.

Ms. Barnes: And did you have then conversations with any of them after that? Any of the administrative staff or the lawyer?

Mr. Granville: I believe I sent an email to the lawyer a day or a few days later.

Ms. Barnes: Uh huh.

Mr. Granville: Once I even like, I didn't even, yeah, I had no idea what I was even defending myself against at the time because there was no defending myself, right? It wasn't like, go through your emails, go put together a timeline, go show us your side, like none of that happened. And so once I got home, over the next day or two, I went through, you know, like my life, to try and piece together anything and I was like, well, I think this is what I'm being accused of and I think this is what you think this man didn't like and so then I put together a letter that I sent them, sent the attorney, to which he said, you know, thank you. And that was it. Well, the only other time I've talked to anyone at the school is I emailed the headmaster asking, actually, I was trying to first roll over my retirement account to another retirement account, but I'd missed my 30 day window, so I couldn't and at that point, I was getting to where I was getting to where I was going to be kicked out of my house. I asked to withdraw the money from hardship, a hardship withdrawal from my retirement account that I had with them and he wrote me back and was like no, I want proof of your hardship. Please send me a copy of the foreclosure letter and then I'll allow you to withdraw from your retirement account. To which I was like, you know,

Ms. Barnes: I'm sorry, go ahead.

Mr. Granville: Yeah, because there was a, they had to acknowledge that it was a hardship withdrawal according to them and so he wanted to see a copy of like a bank statement or a notice that I was being foreclosed on.

Ms. Barnes: Who was running the retirement account?

Mr. Granville: The HR person at the school, but the headmaster had to sign off on it I guess. And so at that point, I was like, you know, life is too short for like to have these people in my life and so I took out money out of my City of Tempe retirement account instead.

Ms. Barnes: Uh huh.

Mr. Granville: To pay off what I had to pay off to like keep living there.

Ms. Barnes: Then you're in the same house today?

Mr. Granville: Yes.

Ms. Barnes: What part of Tempe do you live in?

Mr. Granville: On Rural, between Broadway and Southern, just south of ASU. Actually, about a mile from the school.

Ms. Barnes: Yeah, I'm familiar. My son went to Hudson.

Mr. Granville: Oh yeah.

Ms. Barnes: Right by

Mr. Granville: It's a great school.

Ms. Barnes: Okay, at some point did you contact the journalist who had written an article in the Republic to discuss some of the allegations or some of things that were written in the article?

Mr. Granville: I did not contact them. They contacted me.

Ms. Barnes: Okay.

Mr. Granville: So I would say a week or two went by after I got fired.

Ms. Barnes: Uh huh.

Mr. Granville: The counsel, my council colleagues don't care for me at all and so I was very careful not to talk or tell anyone because it's just fodder for political (Inaudible). They found out somehow anyway, so either from the school administrators or from the people that made the accusations, which would not be surprising, since one of them worked on their campaigns at the time, and so they tipped off a reporter for the Republic, who did a public records request, first of the, I believe the Tempe Police Department, which nothing came back, and then of the school and the school felt like, I guess, under FOIA they had an obligation to turn over at least the emails that the girls had sent saying like, hey I have an accusation.

Ms. Barnes: Uh huh.

Mr. Granville: That was enough then to basically generate a story. And so then I got a call, maybe two weeks after I got fired, from a reporter from the Republic saying, Jerod something, saying, hey, we're going to

do this story. I basically was like, it's not true, denied all of it, just as I had to the school and it was shortly after that time I spoke to Julia and Julia was like, you don't talk to any more reporters ever about anything ever and so that was the one and only interview I gave and it lasted about five minutes.

Ms. Barnes: And in that, you acknowledged the relationship with [REDACTED], but other than that, you said all the other allegations that you were aware of you were denying.

Mr. Granville: Yes, and I acknowledged that relationship to the school as well. I would acknowledge it now, although I wouldn't call it a relationship. It was more like a non-exclusive dating, but yes.

Ms. Barnes: Okay, you said your council colleagues don't care for you.

Mr. Granville: Yeah.

Ms. Barnes: Why is that?

Mr. Granville: Well, I think it varies depending on the council colleague, but I would say generally speaking, I tend to, there's a longer answer, I'll try make very short. There's a culture in Tempe in politics, it's been around for a long time not to vote outside the majority. It's sort of like safety in numbers.

Ms. Barnes: Uh huh.

Mr. Granville: So, almost historically, we've never had 6 to 1 votes. Now that's not to say there aren't 6 to 1 opinions, but once it gets to 4 to 3, then like, okay, it's going to pass and everyone vote yes. And that way, from a press standpoint and from a PR standpoint, nobody's the odd person out and nobody like gets voted out of office for like having voted differently. I don't agree with that philosophy and so I have just chosen not to participate in that, so I probably represent, it's like a 6 to 1 vote, you know, I'm the odd person out, I would say, that not only have I been that one person out more than all of the other council members combined, I would say combined five times over, so I've probably been the odd person out on a vote 50 times and I would say the rest of all the council combined is maybe five. So, consequently, it's not a great working relationship. It also hasn't helped that I'm a lawyer and I talk like a lawyer.

Ms. Barnes: Do you have any specific personal issues with any of the particular council people?

Mr. Granville: No, I think they're all perfectly fine people. I think they're just wrapped up in this sort of tribalism that exists in politics. But I mean like right now, Robin Arredondo Savage won't meet with me, literally won't even have coffee with me. Randy Keating literally won't even have coffee with me. In six years, I've only had two meetings with the mayor, one of which was he could yell at me and tell me that I was doing too much. Who am I missing ? I don't know. It's been like that for

Ms. Barnes: The other gal's name. The other one that she was, that [REDACTED] was working on a campaign with her.

Mr. Granville: Lauren Kuby.

Ms. Barnes: Yeah, Kuby.

Mr. Granville: Yeah, yeah, she's now the vice mayor, which I was supposed to be. I was next in line. It's a ceremonial position.

Ms. Barnes: How does that work next in line?

Mr. Granville: Traditionally, actually, forever, whoever is the longest serving council member who has not yet been vice mayor becomes vice mayor because it really is a ceremonial position, but this last time I was up to be vice mayor and they were like no, no, we don't like you, so they skipped me and Lauren became the vice mayor.

Ms. Barnes: Okay.

Mr. Granville: For a position that is literally like showing up and cutting ribbons at like auto dealerships.

Ms. Barnes: Uh huh. So have you had any communications with any of them other than meetings?

Mr. Granville: No. I, when I released the app, I emailed, I texted Randy Keating,

Ms. Barnes: Uh huh.

Mr. Granville: to let him know because he was working on a similar app. I'd basically given him the idea and said, I can't get this passed, can you work on this? He said yes. He got \$20,000 to do and six months later he hadn't made any progress, so like a buddy and I built it in a weekend and so as a professional courtesy, I texted him to say, like hey, we built the app that you've been working on like, just save the city 20 grand. And he sent me a really angry text

message about like how dare you like do what I'm doing. Even though it was like literally I wrote the blueprints and wrote the specs and gave it to him to propose. I was like, well, you could just say that private business save the city 20 grand or you could be angry and that's the last I've ever spoken to him.

Ms. Barnes: When's the last meeting, when's the last council meeting?

Mr. Granville: Week ago from last Thursday? It might have been last Thursday. They're on Thursdays. I could look in my phone if you needed to know for sure.

Ms. Barnes: No, that's fine.

Mr. Granville: Okay.

Ms. Barnes: Just didn't have it off the top of my head.

Mr. Granville: We do talk at meetings, I mean, like, not talk to a person, speechified, and they speechify and they call that a meeting.

Ms. Barnes: Okay. And are you aware that there had been a ballot measure put in place to change the maximum penalty that can happen so that it's no longer just a censure, that it's going to be that they can remove by what I think, a 5 to 2 vote? Is what it is.

Mr. Granville: Uh huh. Like convincing evidence which I going to bet somebody's going to tell you you have to submit when you submit this paperwork now.

Ms. Barnes: That is not.

Mr. Granville: That's good to know. Yes, passed yesterday.

Ms. Barnes: Yeah, I assumed it passed, but I hadn't double checked.

Mr. Granville: Yep. That was pretty much in response to me.

Ms. Barnes: Do you believe that that is going to be implemented retroactively?

Mr. Granville: I think there's a 50/50 chance. I think they would like to implement it retroactively. I think given how popular I generally am among Tempe residents, I think that they're going to have to do a wait on how much they want to get rid of me versus how much the fallout is worth.

Ms. Barnes: Some of it, go on, I'm sorry, go ahead.

Mr. Granville: I've actually, I was perfectly, I wanted to actually support it and so when they initially brought it up, I was like, clearly, people are going to think this is about me. Why don't you put me on the committee? I can help write it in a way that gives me a comfort level. And they were like no, we don't want you on a committee. Then they came back with it and I was like, look, there are problems with it, why don't you like let me work on it and like redline it so I can show you what the problems are. And they were like, no, we don't want you to do that. And then when we went to vote on it, I was like, hey, I'll vote on it if you change this and this and this and they were like, no, we don't want to do that and there were things that like not having to be retroactive. Another one is, it's supposed to, can be removed for moral turpitude.

Ms. Barnes: Right.

Mr. Granville: But they specially refused my request to include the language as defined by the state, so what that means is moral turpitude means like, what do you think moral turpitude is, like in the 1950's, that's communism, in the 1980's, that's being gay, you know, like, those were the two changes. The other thing that I asked is that instead of using moral turpitude, they outline every single thing, sexual harassment, like so that there were, they didn't want to do any of that.

Ms. Barnes: Uh huh. So you voted no on that then.

Mr. Granville: I did, which is a shame, cause it's a good bill, I would have liked to have voted yes.

Ms. Barnes: And my understanding that at least one or two of them have asked you to resign at some point during this past years when this all's been going on?

Mr. Granville: Yeah, for sure.

Ms. Barnes: And who?

Mr. Granville: Randy Keating has said publicly, like on Facebook and to the press, like Kolby should resign.

Ms. Barnes: Uh huh.

Mr. Granville: Back when he and I were talking a little bit, I actually asked him why he did that, this was maybe three months ago, four months ago and he said, this is an absolute quote, it's amazing because it was so surprising to me, he said, I just told my friend that you wouldn't survive and the sooner and harder I came out against you, the more political points I would get for it with the public. And I was like, well, do you want to know if it's true? And he's like, yeah, in retrospect, that probably would have been the way to go. And I was like, okay, so fair enough. Like it was literally a political choice of like I can now be here if I just come out early and hard on you. He's since apologized, although I still think he'd like me to resign. Lauren, not only has asked me to resign publicly, also privately, when we've like been standing next to each other and when I was commencing a, the introduction to like a high school spelling bee or junior high spelling bee, or something, she was like, I don't think you should be here, I think it's inappropriate for you to be around children. Actually, it was an elementary spelling bee. And I was like, wow, really? Like in a room of about 300 people, you don't think I should like even stand, she said, no, I think you should leave right now and I'm like, except it's my job and so no, I'm not going to. We haven't talked much since then.

Ms. Barnes: That was Lauren?

Mr. Granville: Yeah.

Ms. Barnes: Okay. All right. Let's see. Okay, so tell me what you know about the allegations with respect to [REDACTED]. What is it you believe that she emailed or said to the school that was something that you did that she felt was inappropriate?

Mr. Granville: Yeah, not, so I know that she said that on one or two occasions that I offered her, I don't remember if she said she accepted it or not, alcohol when she was underage.

Ms. Barnes: Uh huh.

Mr. Granville: And I believe that she has, I'm not actually sure, but I think there is a sort of subtle allegation that I was grooming her when she was in school to date her later.

Ms. Barnes: Okay. How old was she when you first started engaging with her?

Mr. Granville: The first time I met her was after she had graduated; it was at a neighborhood association meeting.

Ms. Barnes: Uh huh.

Mr. Granville: And I actually have dates for that so I'm happy to give you a piece of paper with the dates. So it would have been October 15<sup>th</sup>. I didn't know who she was at the time. She was just like, oh, you're, because I was like a council member, I was in the (Inaudible) area, and she wanted to go eat food and so we went and ate food and that is the last I spoke to her until April of 16, so six months later. And then we went out in April one or two times, I don't think that many times.

Ms. Barnes: Uh huh.

Mr. Granville: And then we both went away for the summer cause she went places with her family; I went to Iceland and all that. And then we continued, when I got back, we went on a couple more dates from like August or September of 16 to probably the end of 16 or maybe the first month of 17, January, 17.

Ms. Barnes: Okay, so

Mr. Granville: So all total eight or ten dates spread out over, what is that, like six months or something.

Ms. Barnes: All right, so if she said that it was you who first asked to meet for coffee or lunch, you disagree with that?

Mr. Granville: I don't have a memory one way or the other.

Ms. Barnes: Okay.

Mr. Granville: It would have been out of character for me to ask her for coffee or lunch, just cause I meet so many people, it would be odd for me to be like, let's go for coffee, but I don't have a memory one way or the other.

Ms. Barnes: And then it says that you asked her to, my understanding is that she says that you asked her to go to a movie and that she didn't at that time, but then a couple months later she says she saw you at the State of the Neighborhood meeting and that was April of 16 and that you started dating a week later.

Mr. Granville: I don't know. I meet a lot of people. It doesn't ring a bell at all. We did go to a few movies. I don't know what the timeframe of that would have been, I just don't have any independent recollection as to that. I don't remember meeting her at the State of the

Neighborhood meeting. It is, but I meet like 50 people a day, so I don't know, but

Ms. Barnes: Okay.

Mr. Granville: But Aprilish of 16 sounds about right for when we went out for the first time.

Ms. Barnes: But she indicates that you started dating right after that, a week later. Your recollection is that it didn't happen.

Mr. Granville: We went out on a date.

Ms. Barnes: Okay.

Mr. Granville: So I think, this is the stem of like all of the issues. I think she thinks we were in a relationship and that's I think where the problem came in.

Ms. Barnes: Well, tell me about that. What do you mean?

Mr. Granville: So I went out on like probably eight or ten dates with her over a six month period, meaning we probably went out once a month or twice a month at best. I was dating other people. I was seeing other people. I certain didn't keep it a secret. I encouraged her to date and see other people, like, and when I realized, hey, this isn't going to turn into an actual relationship, I exited our dating.

Ms. Barnes: And so she, at that time, was 19?

Mr. Granville: Yeah, I think so. She would have been a sophomore at ASU.

Ms. Barnes: And it was a physical relationship, physically intimate?

Mr. Granville: Uh huh.

Ms. Barnes: Okay. Did you tell her to, well, you don't think it was a relationship? Do you never referred to it as a relationship with her?

Mr. Granville: Absolutely not.

Ms. Barnes: Okay. Did you tell her that she needed to not share that she was dating you with other people?

Mr. Granville: Yes.

Ms. Barnes: And why is that?

Mr. Granville: Same reason you can't be a communist in the 1950's. Same reason you can't be gay in the 1980's. My life exists the way it exists now because I was dating her.

Ms. Barnes: Well, then, so that's before any of this came out or any of this happened, what was your thinking then as to why you were telling her to keep it quiet?

Mr. Granville: Because something can be permissible to do, but not socially acceptable to do.

Ms. Barnes: You were concerned that she had previously been a student at TPA; you were concerned about her age, both? What were your concerns?

Mr. Granville: It's a good question. I'd have to like think about it. I think I was concerned that it would be used for political fodder is my best explanation.

Ms. Barnes: Had you dated other women in that same age range during that time? When you said you were dating several other people.

Mr. Granville: Yeah, I doubt it. I would say no. That's not really, that's, that's, that's like one of the reasons we broke up though, I broke up with her, it's just like, you're too young, it's not working, this is a bad life choke for me. No, my girlfriend now is 34 and that's a much better age range for me. We have more to talk about.

Ms. Barnes: Uh huh. So, when you were dating, any time during that timeframe when you were dating those other women, they were older? They weren't that same age or?

Mr. Granville: For sure older. I would day on average between 32 and 40.

Ms. Barnes: All right. Did you tell her that you could get fired from TPA if somebody found out that you were dating?

Mr. Granville: I don't recall, but I believed I could have been fired if someone found out we were dating, because I'm an at will employee and a charter school makes it money based on the number of children attend the school and so, yes, I would have believed at that time that the school for have fired me for exactly the reason they fired me, because it's just bad press.

Ms. Barnes: Okay.

Mr. Granville: So I don't want to keep going back to this example, but in my mind it's akin to if a teacher were found out to have HIV in the 80's or 90's.

Ms. Barnes: Uh huh.

Mr. Granville: Like is it illegal to have HIV? No. Would the school fire you? Yes. That's, so I think that was my reasoning, although I don't know if we specifically had that conversation or not.

Ms. Barnes: Did you engage with, wait, so you say you didn't recall knowing her or ever meeting her while she was a student at TPA?

Mr. Granville: She has told, she told me when we were dating, after we'd gone out for four or five dates, that I had spoken to her once when she was at school. But I don't recall it. It was, you know, a school full of people and so at some point apparently I said hello or said something.

Ms. Barnes: And that was it.

Mr. Granville: Yeah.

Ms. Barnes: Okay.

Mr. Granville: I can tell you what her recollection of it is, although I don't have any recollection of it. I just read it now.

Ms. Barnes: Sure.

Mr. Granville: Her recollection of it was she said something to me and I said oh, hello or something like that. And she said, did you like my prom dress at homecoming or whatever the event was. And you know, I'm not going to be like no, so I think I just was like yeah, sure, it was great. I think that is her recollection of the conversation we had, although I don't recall it at all.

Ms. Barnes: Okay. Did you engage with students on social media while you were still teaching?

Mr. Granville: No, that'd be a really bad choice. I should make an addendum to that though.

Ms. Barnes: Okay.

Mr. Granville: I had a Facebook page for each of my classes where I would post links to PDF's to like homework assignments, cause it was a Socratic discussion class, so there's not textbook.

Ms. Barnes: Uh huh.

Mr. Granville: So, like if we were reading Federalist #10, I might post it so people could download it if they were sick or absent. I would also take a picture of the board before I'd erase it every day, every time, and then I would post all of those photos of the board to the Facebook page so that you didn't have to take notes in class, so you could just look at the photos I took before I erased the board every time.

Ms. Barnes: But then how could somebody on Facebook see that information? Would they have first to like your page in order to have access to it or would they have to be friended with you?

Mr. Granville: It wasn't my personal page; it was like a group I created.

Ms. Barnes: Right.

Mr. Granville: It was like TPA Class 9<sup>th</sup> Grade, or whatever.

Ms. Barnes: but in order to follow sometimes those pages, you have to either like that page if it's a business kind of page or you have to friend the person.

Mr. Granville: Yeah, I don't know if it was a page or a group, but it was one of those.

Ms. Barnes: Okay.

Mr. Granville: Yeah, I don't know how I did it anymore. Actually, I think it was probably a group.

Ms. Barnes: Did you, so at that time you had Facebook pages for the classes, did you have your own Facebook page?

Mr. Granville: Two of them, I had the city one, that's like a public figure page,

Ms. Barnes: Uh huh.

Mr. Granville: and I have a personal one.

Ms. Barnes: And at that time you did as well?

Mr. Granville: Yes.

Ms. Barnes: In 1203ish?

Mr. Granville: Yep, from the time I was in, yeah.

Ms. Barnes: Okay and what about Instagram? At what point do you recall getting Instagram?

Mr. Granville: I don't know, probably was 30 or 14.

Ms. Barnes: Okay. And then what about Twitter?

Mr. Granville: I barely use Twitter, so probably, I don't know, I would guess 13 or 14, but it may have been even before I was in council.

Ms. Barnes: Okay, and what about Snapchat?

Mr. Granville: Probably 14 or 15.

Ms. Barnes: Did you ever request to follow a student at TPA after you had been terminated?

Mr. Granville: Yes.

Ms. Barnes: And who was that?

Mr. Granville: There would be more than one.

Ms. Barnes: Okay, and why was that?

Mr. Granville: Typically, they would have asked to follow me and I would have followed them back after I was terminated.

Ms. Barnes: Uh huh.

Mr. Granville: I also don't even run my own personal Facebook page a lot. I have friends that log in and like make it seem like I'm interacting with people, so they'll go and look at other people's pages that I'm friends with and hit Like or like make a comment that is generic enough that I can fake it in the event I bump into that person.

Ms. Barnes: Who do you have do that for you?

Mr. Granville: It has changed over time.

Ms. Barnes: Well, let's start, let's say this year, in 2018.

Mr. Granville: I don't know if I had anyone do it in 2018. I'd have to look pretty hard to figure that out. I don't know.

Ms. Barnes: Okay. So if somebody who is an 8<sup>th</sup> grader TPA said that you requested to follow her on Instagram, do you have any recollection of that in particular?

Mr. Granville: No, I wouldn't know one way or the other. I mean I generally follow people back who follow me because like the whole point of a politician is to accumulate people that are interested in you.

Ms. Barnes: Uh huh. And so that was going to be my next question. What's the purpose?

Mr. Granville: Yeah, that's the purpose. I mean, that is the purpose of social media is to have people feel like they've developed a personal connection with you so that they can email or contact you when their streetlight burned out.

Ms. Barnes: Okay. Back to [REDACTED]. She indicates that you were in a relationship, that she asked you at some point if you could love her and you told her no and at that point, she ended the relationship. That's not how you recall it?

Mr. Granville: No, but I believe that is how she recalls it.

Ms. Barnes: Okay.

Mr. Granville: No, the way it actually went was this, was at some point, after we had been going out for a while, it occurred, a few things occurred to me, number one that [REDACTED] was not going to pan out for a relationship and that she was extremely volatile mentally and that she could go really south really quickly and so I contacted a friend of mine and we sat down and I was like, look, here's my problem, what do I do? And we chatted for a while and he's like, you gotta like gently get out of this and so over a period of three weeks to a month maybe, I sort of helped [REDACTED] come to the understanding that we probably shouldn't be dating, so I'm not necessarily surprised she thought it was her idea. But that was sort of my purpose.

Ms. Barnes: Why do you say she was volatile emotionally?

Mr. Granville: Well I have a really clear memory one time where she started crying at 9:00 at night.

Ms. Barnes: Uh huh.

Mr. Granville: I woke up at 1:00 and she was still crying. I woke up at 3:00 and she was still crying. And when I went to go to work at 7 AM, she was still crying. I'm pretty sure she went on like a 13 hour stint, 14 hour stint. That was not uncommon .

Ms. Barnes: And what was she crying for?

Mr. Granville: I'm not even sure she could tell you. I've had times where she texted me or whatever, some communication to me and I was driving; I didn't respond and it went from like, Hey, something, why aren't you responding? What are you doing? Are we not friends anymore? And it just like and so by the time I have a clear memory of literally pulling over on the side of like a freeway to be like, I am driving, 30 text messages or whatever the conversation was. I'm driving, when I'm not driving, I will respond. Yeah, that was not terribly uncommon .

Ms. Barnes: Okay. And so you said, you never provided her alcohol while you guys were dating.

Mr. Granville: No, no. I'm quite sure of that. Actually, one time, here's one of the reasons why I have a really clear memory of it. One, because it's a stupid thing to do if you're in politics, and number two, because at one point she had a cold and I gave her Theraflu and she was loopy on Theraflu. Like she like was light headed.

Ms. Barnes: Uh huh.

Mr. Granville: And I was like, okay, if Theraflu is a problem, like, but it's also just a really stupid thing to do if you're in politics.

Ms. Barnes: Did you ever see her drink alcohol with you that you didn't give her?

Mr. Granville: I saw her drunk. She called me from a party once and I think I went and picked her up because she didn't, something about her not being able to get home or whatever so she asked if I would pick her up. I think that's the only time I ever saw her drunk that I can recall.

Ms. Barnes: But I mean did you see her drinking? You never saw her drink alcohol in your presence other than that.

Mr. Granville: No. Actually I didn't see her drink that time either, I just saw her drunk.

Ms. Barnes: Okay. All right. Talk about [REDACTED].

Mr. Granville: Okay.

Ms. Barnes: What are you, what is your understanding of what her allegations or emails or whatever it was are?

Mr. Granville: It's a little confusing, but the best that I understand the allegation is that I provided her alcohol.

Ms. Barnes: Uh huh.

Mr. Granville: And that at some point she was at my house and I tried to put my hand down her pants.

Ms. Barnes: Uh huh.

Mr. Granville: Although the details of how that would even happen are, I don't know, but somehow supposedly it happen.

Ms. Barnes: Okay, and so you deny those things.

Mr. Granville: You know, I'm sure of that one and I can tell you why. So once, when the school interviewed me, I didn't even understand like what they're talking about. Like I didn't, like I remember, I specifically remember asking them like, can you give me a timeframe, can you give me a location, can you give me anything? They couldn't give me any of that.

Ms. Barnes: Uh huh.

Mr. Granville: I sensed, once I read the newspaper articles and sort of pieced together that stuff, what I realized was specifically what date it was,

Ms. Barnes: Uh huh.

Mr. Granville: And I went and pulled like my old email and she had sent me an email the very next day actually and the email said, generally speaking, hey, they're still trying to work out the combination of my anti-depressant bipolar medication. I'm really struggling. I really didn't appreciate, I took hard the feedback that you gave me about my lifestyle choices, cause she like was like this and I left hoping that you would chase after me and apologize for like criticizing me

and that was really silly of me to do and I'm sorry that, that I left. That is the email I got the next day based on what she say happened the night before and it doesn't mention trying to put my hand down her pants; it doesn't mention sex stuff; it doesn't mention, it literally say like I didn't like that you were criticizing life choices and so I left.

Ms. Barnes: And when you say she was like this, what do you mean?

Mr. Granville: She, not to the extent that [REDACTED] does, but she's also on a cocktail of medication.

Ms. Barnes: Uh huh.

Mr. Granville: That has changed off and on and depending on how they get that medication correct, she has struggled.

Ms. Barnes: But when you say lifestyle choices or when she said that, what is she talking about, what do you think she's talking about?

Mr. Granville: She, she's gay, which also makes the allegations really kind of comical, like super gay, like never kissed a boy gay, like gay from the time she was like born. And she had been serially bouncing from like girlfriend to girlfriend to girl and so the conversation that we had, the best I can recall, is me talking to her about, like hey maybe you're like using these people for, to help yourself feel better and maybe you should focus on like being the person you want to be.

Ms. Barnes: Uh huh.

Mr. Granville: And then go date as opposed to dating to try to and make it the person you want to be. We later, cause we were friends even after this for three years after this instance happened, and later we actually, we made, I made a bet with her that if she could focus on herself and not date for I think it was like three months or six months that I'd get her a record player and she won the bet and so I like drove to Tucson and dropped off a record player for her.

Ms. Barnes: Okay, so she, did she ever share a bed with you at your house?

Mr. Granville: I don't think so, although we did share, we had shared beds before. I shared a bed with her when we were in San Francisco; I shared a bed with her when I was in Tucson riding Mount Lemon the next morning.

Ms. Barnes: You stayed with her at her dorm or apartment.

Mr. Granville: Apartment, yeah.

Ms. Barnes: Uh huh. But you don't recall if you shared a bed with her at your house in Tempe.

Mr. Granville: I don't think we ever did, because I have a couch at my house so there would have been no reason for us to share a bed.

Ms. Barnes: And did you ever drink with [REDACTED], alcohol?

Mr. Granville: She drank. I did not drink.

Ms. Barnes: When was that?

Mr. Granville: So her dad's British.

Ms. Barnes: Uh huh.

Ms. Barnes: And also a teacher at Tempe Prep. He taught the subject I did. And so I had had previous conversations with her dad that he thought the alcohol age in America were stupid and they should be 18 like they are in Britain and I was like it's none of my business and so at least one occasion I was at his house and he was hosting her friends and they were all in varying degrees of age from 18 to 21 or 18 to 20 and they were drinking and I was there. I think he was there too. At one point, I was, [REDACTED] invited me to Tucson to a party and she was drinking there, although I was not and then some time in Phoenix, she invited me to a party with some friends of hers and there was drinking going on and I felt uncomfortable and I left after about a half an hour.

Ms. Barnes: And you didn't bring alcohol to her at any of those situations.

Mr. Granville: No. definitely not.

Ms. Barnes: And she's been to your house, though, correct?

Mr. Granville: On several occasions, yes.

Ms. Barnes: And did she ever drink alcohol at your house?

Mr. Granville: I don't believe so, but if she did, she would have provided, she would have brought it with her, but I don't even recall that having

happened. I generally don't drink. Like if I have one drink a month, it's a big month.

Ms. Barnes: Okay, and so if she alleges that more than you just tried to put your hand down her pants, that you actually put your hand down her pants in your bed and fingered her and actually penetrated her. You, that didn't happen.

Mr. Granville: Yeah, I'm sure that didn't happen.

Ms. Barnes: Okay. Did you talk with her about women having sex with men when they're gay?

Mr. Granville: I don't know. I don't know why I would. I don't know why a gay woman would have sex with a dude, but

Ms. Barnes: Well, to talk with her about sex in general.

Mr. Granville: We talked as friends, yeah. I mean I talked about who I was dating; she talked about who she was dating.

Ms. Barnes: How often did she come to your house?

Mr. Granville: Not very often because she was going to school at U of A. She since has dropped out. I would guess three to five times and probably another three to five times to pick up stuff off of the patio, like I'm just like leaving paperwork for you or something.

Ms. Barnes: Cause she graded papers for you, right?

Mr. Granville: I think so.

Ms. Barnes: And she worked on your campaign?

Mr. Granville: In 2016, although I didn't recall at the time I did the interview with the paper, but once I went back and looked up the records, yeah. I was emailing her stuff to work on from Tucson.

Ms. Barnes: Okay, and she worked on your sister's campaign?

Mr. Granville: I think we talked about it. I'm not sure she actually did any work.

Ms. Barnes: Okay, and when did you meet [REDACTED]?

Mr. Granville: The first time I met her was at the Pat Tillman Run. I was waiting in the corral like to run by myself.

Ms. Barnes: Uh huh.

Mr. Granville: Her mom recognized me and I talked to her mom and I think I would have talked to her at that time and then I talked to her dad because her dad and I taught the same subject and I asked her dad if she would be interested in coming out to cross country cause there were no, I was coaching cross country and there were no sort of women role models and so I wanted to have a woman out there running so that younger girls could see a woman running. I don't think that ever panned out, but we did talk about it. I don't think she ever came to practice. But from that discussion of asking her to come out, we started talking a little bit online.

Ms. Barnes: So that was while she was a student?

Mr. Granville: No. It would have been after she graduated.

Ms. Barnes: So was she already at the U of A at that point?

Mr. Granville: Yes.

Ms. Barnes: Okay.

Mr. Granville: So when I first met her, it would have been at the Tillman Run, which is in the spring and then her and I started talking. Like I didn't talk to her at the Tillman Run, like I like, was like, oh, this is my daughter [REDACTED]. I think the first interaction we probably ever had would have been the summer after she graduated.

Ms. Barnes: Which is 13.

Mr. Granville: That sounds about right.

Ms. Barnes: Okay. Are you familiar with someone named [REDACTED] A friend of [REDACTED].

Mr. Granville: No, I mean maybe if I saw a picture, but the name doesn't ring a bell.

Ms. Barnes: She was, she knew her at U of A.

Mr. Granville: Oh, [REDACTED]. I didn't know that was her last name, but yeah, I know [REDACTED].

Ms. Barnes: How do you know [REDACTED]?

Mr. Granville: When I was visiting [REDACTED] in Tucson or (Inaudible), I wasn't visiting, somehow in Tucson or something, I met [REDACTED].

Ms. Barnes: Did you date [REDACTED]?

Mr. Granville: I did not. [REDACTED] was super clear about that.

Ms. Barnes: Did you try to date [REDACTED]?

Mr. Granville: [REDACTED] wanted to date [REDACTED], so [REDACTED] asked me not to date [REDACTED].

Ms. Barnes: Okay.

Mr. Granville: That didn't work out well on account of [REDACTED] not being gay, but [REDACTED] specifically told me don't interact much with [REDACTED] because I'm going to date her.

Ms. Barnes: Okay, but you didn't ask [REDACTED] out while you were down there?

Mr. Granville: I don't know, I would have, I don't know what the timing, I wouldn't, whenever [REDACTED] would have talked to me and said like don't mess with her,

Ms. Barnes: Uh huh.

Mr. Granville: so I don't know if I would ever before [REDACTED] and I had that conversation.

Ms. Barnes: Okay.

Mr. Granville: Needless to say, [REDACTED] and I never went out.

Ms. Barnes: All right. Okay, what do you know about [REDACTED], is it [REDACTED]?

Mr. Granville: [REDACTED].

Ms. Barnes: [REDACTED], okay.

Mr. Granville: Not much.

Ms. Barnes: Tell me about [REDACTED].

Mr. Granville: Not much, so the, I started in the spring that summer I got an email or a phone call or something, maybe it was in the following fall, I

don't actually remember, but like after that year had finished, I got, somehow or another, got set up with [REDACTED], who said, hey, I've got a friend of mine, you guys would get along really well, you guys should hang out. I went okay. So [REDACTED] and I, I emailed [REDACTED], we went out. We did get along pretty well, for coffee I think is what we went to maybe.

Ms. Barnes: Uh huh.

Mr. Granville: On the third or fourth time we went out, I asked her if she wanted to come to my place. She came, she was like, yeah, it'd be great. Came to my place. We went up on the roof of my house and we were talking and she was talking and she was like, oh yeah, when I start school in the spring. I was like start school in the spring, what are you talking about. She's like well I'm going to start ASU in the spring and I'm like graduate school? She's like, no, undergrad. And I was like what you were in the military, like what happened? She's like, no, I just graduate from Tempe Prep last spring and I'm not going to go to school this fall, I'm going to go the following spring. I was like what? I didn't know you went to Tempe Prep. She went to Tempe Prep. I said how old are you? She said 17. You got to go. I was really upset. I have a really clear memory of that and so she argued that it was okay for a few minutes, argued that her parents would be okay with it for another minute or two. I have a really clear memory like verbatim, she said my parents would be fine with it to which my exact response was, then you have bad parents and I asked her to leave and she was pretty upset and I said, look, if you want to try to get together as friends in a year or two, I'm happy to do that, but you got to go, and so that was that. And then either called or spoke to [REDACTED] the next day or two after that and tried to convey to her what a really horrible situation she put me in and she never really understood.

Ms. Barnes: What do you mean?

Mr. Granville: I don't think she understood how south that could have gone, right? Like this is a person that you're setting me up what I thought was a blind date with, which I assumed was like 26 or 28 years old or something. I could have offered her a beer; I could have tried to kiss her; I could have done a million things before she said, by the way, I'm 17, all of which would have put me in jail. And so you basically put me in the most perilous position I could be in and did it totally like stupidly unknowingly like, I was very upset.

Ms. Barnes: Okay, well then, two questions. Why did she say she did it?

Mr. Granville: She said like I didn't mean it that way or I didn't know or she didn't have a great answer. Like I was pretty upset, so it wasn't like a conversation exactly.

Ms. Barnes: Uh huh. Well, was she suggesting that she wasn't trying to set you up with her or she just didn't think it was a big deal that she was just graduated from high school?

Mr. Granville: I think a little column A and a little column B, but again, it wasn't exactly like a rational back and forth conversation.

Ms. Barnes: When you met, so this was fall of 13.

Mr. Granville: Correct.

Ms. Barnes: Okay, and so when you met her for coffee, did you ask her to go bike riding the next week?

Mr. Granville: I don't know. It's possible.

Ms. Barnes: Okay. Did you meet her for brunch after that, the Yucca Tap Room?

Mr. Granville: I don't know. I don't recall what our dates were, I'm sorry.

Ms. Barnes: Okay. Dinner at a middle eastern restaurant? Don't remember?

Mr. Granville: I mean I wouldn't dispute it. I just have any memory, independent memory of it.

Ms. Barnes: Did she tell that the reason she was contacting you was to get travel books from you to go to, because she was going on a trip to Germany?

Mr. Granville: I have later read about it, but I don't recall that as the reason we were meeting.

Ms. Barnes: Okay. And [REDACTED] didn't say that when you talked to her. She didn't say, hey, I was just telling her to call you to get travel books or talk to you about her trip?

Mr. Granville: No, my recollection is that she said there's someone that I think you'd get along with really well you should meet.

Ms. Barnes: Okay. When you were on the roof with [REDACTED], did you have any physical contact with her?

Mr. Granville: She had her head on my chest.

Ms. Barnes: Uh huh.

Mr. Granville: And her, like her hand draped over me. I was laying on my back.

Ms. Barnes: You're on your back; she's laying next to you with her head on your chest.

Mr. Granville: Yeah, that thing that like girls do.

Ms. Barnes: (Inaudible)

Mr. Granville: Women do, whatever. You know what I mean. It's the, you know, where it's like you're on your back and the person's like resting her head on your chest and they got their arm draped over you.

Ms. Barnes: Okay. And, so you're in that physical arrangement with her

Mr. Granville: Uh huh.

Ms. Barnes: and then at some point then is when you learned that she only 17 or after she gets up?

Mr. Granville: Yeah, and actually, when she told me that, the very next words out of her mouth were, I can feel how fast your heart is beating and that's when I sat up and I was like, yeah, you got to go. Like, of course, like I have a really clear memory of all of this.

Ms. Barnes: Tell me what she said.

Mr. Granville: Like she told me that and I was like what? And like she's, wow, I can feel your heart's beating so fast now and I'm like, yeah, yeah, it definitely is because this is really bad. You have to go and then we had another 90 second conversation before I like got her to go.

Ms. Barnes: Uh huh. And you didn't say anything to her about now, I can't kiss you or now that I know you're 17, I can't kiss you, something along those lines?

Mr. Granville: No, it was not a humorous moment in my life.

Ms. Barnes: Okay. Did she take travel books with her when she left your house? Did she have any books that you loaned her?

Mr. Granville: I have read that that is the case, but I don't recall that at all. I don't recall us ever, you know, interacting again, ever talking again. I know she has a whole other scenario about she came over to my house to return books, like I've read all that in the police report, I don't have any recollection of that. And it doesn't actually make any sense because I don't know why she wouldn't have just left the book like in my mailbox, under the door mat, like in a million different places, like I don't understand any of that and I certainly don't have any memory of it. So, I, it's possible it happened, but it was a totally unmemorable moment for me.

Ms. Barnes: Well, but you said the rest of that moment was very clear,

Mr. Granville: Oh, yeah, for sure.

Ms. Barnes: But you don't remember if you loaned her any books?

Mr. Granville: I don't know. We're now going back six years.

Ms. Barnes: Uh huh.

Ms. Barnes: 5 ½ years. So no I don't recall. I've read her report of it, but no I don't recall.

Ms. Barnes: Did you own travel books?

Mr. Granville: I own many travel books. I travel a lot.

Ms. Barnes: Did you own travel books pertaining to Germany?

Mr. Granville: No.

Ms. Barnes: Europe?

Mr. Granville: No.

Ms. Barnes: What kind of travel books?

Mr. Granville: I own individual country travel books for countries I intend to go to.

Ms. Barnes: Uh huh.

Mr. Granville: Some where I've been to because I save them for memorabilia, so

Ms. Barnes: Uh huh.

Mr. Granville: Iceland, Morocco, India, Peru, Bolivia, but I've never, I'm positive I've never bought a travel book for Germany. I'm positive I've never bought a travel book for Europe. The Germany one because I have no interest in going to Germany and the Europe one, because when you buy a book for an entire region, it doesn't have any level of detail.

Ms. Barnes: Uh huh. Did you have Facebook contact with her after she left that night?

Mr. Granville: Not after she left. I believe a year or two later when I was in Morocco, she randomly messaged me when I was in Morocco, because she was in England.

Ms. Barnes: Uh huh.

Mr. Granville: And we had a brief discussion at this point, this was maybe a few years after, because she wanted to come to Morocco and visit me and I was like, mmm, we'll see, moving around a lot. I'm not really in one city for very long.

Ms. Barnes: Uh huh.

Mr. Granville: And I think that was like two or three messages back and forth. That was the end of it.

Ms. Barnes: Well, did you have, exchange messages with her shortly after she turned 18 or on her 18<sup>th</sup> birthday?

Mr. Granville: I think I did. I think I wished her a happy birthday.

Ms. Barnes: And so you know, you've read her part where she says she came in briefly to return these travel books and that you kissed her and you are saying that didn't happen at all?

Mr. Granville: I've read that. I'm sure that did not happen.

Ms. Barnes: Are you sure that she didn't come in or are you sure that she didn't come back?

Mr. Granville: I don't recall any of what she's saying. Like the first time I heard it was when I heard it because Tempe Prep told it to me when I was getting fired was the first I'd heard it.

Ms. Barnes: Uh huh.

Mr. Granville: I since read it. I don't have any recollection of it. It wouldn't, it would be very out of character and just logically it doesn't make much sense.

Ms. Barnes: Why?

Mr. Granville: Well, one, there are three doors exiting my living room. There's a front door, a garage door to the carport and a back sliding back door and her allegation is that somehow by looking in my eyes she could tell she couldn't leave, which is absurd.

Ms. Barnes: Uh huh.

Mr. Granville: I'm like 140 pounds. And there are three exits. Additionally, I don't why she would come into the house to return a book. I don't, none of it makes any sense at all, but I don't have any recollection of it either way, it just doesn't logically make any sense. And she's never recounted any of this to me until I read about it in the paper.

Ms. Barnes: Does she identify as gay when you knew her? During that time?

Mr. Granville: Yes. Although she, at some point I believe, said that she wanted to date me because she wanted to date a guy or wanted to date me or something like that.

Ms. Barnes: Uh huh.

Mr. Granville: Yeah, I don't exactly know the details, but it was grayer then. Like when she was at Tempe Prep, I'm told, she had a reputation for being gay and now I have no idea what all that is. I have no idea.

Ms. Barnes: Well, how did you respond to her when she suggested to you that she was interested in dating you?

Mr. Granville: Before I knew she was 17? I was like, yeah, let see how it goes, like go on three or four dates and there's chemistry, there's not chemistry.

Ms. Barnes: Okay. Did you ever have a discussion about [REDACTED] with [REDACTED]?

Mr. Granville: Probably much later, I think we did.

Ms. Barnes: What was that discussion?

Mr. Granville: [REDACTED] didn't think very highly of [REDACTED] because [REDACTED] had been, according to [REDACTED], this all just sort of second hand information, particularly cruel to her when she was at Tempe Prep.

Ms. Barnes: Uh huh.

Mr. Granville: And so [REDACTED] had basically told me like this is a horrible person, you wouldn't want to date them anyway or something like that. Which at that point it was a moot point, but I, and I have no idea on the timeline, I just know at some point [REDACTED] told me like this is a horrible human being.

Ms. Barnes: Okay.

Mr. Granville: Steer clear.

Ms. Barnes: And did you ever suggest to [REDACTED] that you didn't even find [REDACTED] attractive?

Mr. Granville: It would be a weird thing to say about someone I went on a couple of dates with.

Ms. Barnes: That's why I'm asking you.

Mr. Granville: Yeah, I don't know. It seems unlikely, but

Ms. Barnes: But you don't have a clear memory one way or the other?

Mr. Granville: No.

Ms. Barnes: Okay. Are you familiar with the City Council's code of conduct?

Mr. Granville: Oh, intimately.

Ms. Barnes: Prior one. I don't know what's been changed now, so I'm talking about before this last month. And you're familiar that the council's code of conduct implements the City of Tempe personnel rules.

Mr. Granville: I wasn't in 2013, but I am now.

Ms. Barnes: Okay. It was adopted in 2009 and it references the specific portions of the City of Tempe personnel rules that are implemented for the city council members to follow.

Mr. Granville: Yeah, I'm aware of it now.

Ms. Barnes: Okay. You weren't aware of it, when did you become aware of it?

Mr. Granville: The first time I had a code of ethics violation filed against me.

Ms. Barnes: Okay. And that was for one of the times you said something profane?

Ms. Barnes: Yeah, I had a lawyer that was giving me candidly advice that was the level of malpractice.

Ms. Barnes: Uh huh.

Mr. Granville: And I said, I was trying to be polite, and I said, look, can you just give me your write up. I just need to go through and see, like read the cases that you're reading and she said, it was after like an hour meeting, and she said, oh, I don't have any cases, this is just common knowledge, to which I responded, if you're going to give me a shitty legal opinion, you should at least put it in writing. She filed, she did not file an ethics complaint against me. She complained to her co-workers about me

Ms. Barnes: She was an assistant City of Tempe attorney?

Mr. Granville: Yes. She complained to her co-workers about me that she was considering filing a complaint against me. The water cooler conversation made its way to our chief legal counsel, Judy something, Judy Bowman? Bowman? Who then sua sponte decided that hint of litigation was enough to trigger an ethics complaint, so then they did an ethics review in anticipation of litigation to find out what their exposure was. That then led to me having an ethics violation and then somehow managed to have it so that their entire review was made public, even though it was initiated in anticipated of litigation.

Ms. Barnes: Were you censured or what was the ramification of this violation?

Mr. Granville: I had to write an apology letter and I believe I was given a formal Letter of Reprimand.

Ms. Barnes: Okay, and then the other time you referred to a constituent using profanity.

Mr. Granville: I don't think I used profanity.

Ms. Barnes: Okay.

Mr. Granville: On my personal Facebook page, I posted, he follows me around and takes photos of me. It's kind of like his thing and like you can go to his web page now, there will be 30 posted on me the last two days. Just like his main hobby. And some point he took a photo of me and somebody sent it to me and was like, [REDACTED] took a really good photo of you and so I posted on my personal Facebook page the downside being on council is that you get psycho stalkers, the upside is they take really good photos. And a friend of mine called me within 45 minutes and was like, hey, you know, psycho has become like a buzzword, like, you know, it's switched from being a term to being a derogatory.

Ms. Barnes: Uh huh.

Mr. Granville: I was like, oh, I didn't know that and so I took it down about a half an hour later on my own. I changed it.

Ms. Barnes: Uh huh.

Mr. Granville: In that time somebody had already screen captured it and sent it to him. He filed an ethics company and the whole ethics thing.

Ms. Barnes: Yeah, I've read him. What's his deal with you?

Mr. Granville: I don't actually think I have the First Amendment rights anymore to say that. That is the true answer.

Ms. Barnes: Say that again.

Mr. Granville: The council and our attorneys have determined that I don't have the First Amendment rights to say things. That is a true statement. Because, for example, I said I think that he is mentally unstable. If, according to our code of ethics contract, that is something that any person, not even you all, but like a third person listening in thought that that was offensive in a subjective, not objective, manner, then I have committed a code of ethics violation.

Ms. Barnes: Right. All right, so let me ask you this. Are you aware of any particular incident that has occurred that would cause this gentleman to have an issue with you?

Mr. Granville: I have a theory, but I don't have a specific instance. When I initially ran for office the first time in 2012, he, I was endorsed by the mayor at the time, Hugh Hallman, he didn't like Hugh Hallman because he worked with firefighters and Hugh Hallman was trying to sort of basically get rid of pension bloating and so he was sort of the

person designated to be like the full time curmudgeon on Hugh Hallman. I, when Hugh endorsed me, I inherited him. And I've inherited him ever since. Actually met, before I understood what he was, I actually met with him once to just be like hey, let's have coffee. Like you have concerns and I don't think I'm doing my job perfectly, so tell me what I should be focusing on. And he showed up with a badly hidden tape recorder, which he could have tape recorded the conversation anyway and proceeded to talk to me about like why did Hugh, all of these things that are relevant, like why did Hallman endorse you and blah, blah, blah. And then he just sort of stormed off after like ten minutes. It was like a very, like, ah, kind of conversation he was having practically with himself,

Ms. Barnes: Uh huh.

Mr. Granville: and it's been like that ever since. I've since had to file, I had him drive by my house. I've had him waiting in a parking lot of my car at night. I filed a police report about that. And if you look at his Facebook page, he, if I were not a public figure, I would absolutely sue him for defamation/slander, but I really have no rights to do that as a public figure.

Ms. Barnes: Okay. I should have said this at the beginning, I made the announcement of, that it's the time and the date and we're doing this interview, but I didn't say clearly that you've agreed to have the conversation recorded, so if you could just acknowledge that

Mr. Granville: Yeah.

Ms. Barnes: on this recording.

Mr. Granville: Not a problem at all.

Ms. Barnes: And that you, in fact, said you preferred to have it recorded.

Mr. Granville: I do prefer to have it recorded.

Ms. Barnes: Okay.

Mr. Granville: That way there's no question about what I said.

Ms. Barnes: And I'll just send you a follow up email, Julia, just to say that was, we put that on the record and.

Ms. Cassels: Sounds good.

Ms. Barnes: I don't have any issues, I just thought of that/

Mr. Granville: Yeah, no worries.

Ms. Barnes: Okay, so you became, at some point, familiar with these rules and you're familiar with, okay, so there are a couple of rules, one that say, it is a violation and grounds for disciplinary action, including dismissal, that's obviously talking about employees, but for anybody on the council then who has been abusive in attitude, language, behavior or conduct towards another employee or the public?

Mr. Granville: Yeah, don't tell you kid to quit, like don't yell at your kid in a grocery store.

Ms. Barnes: Okay, engage in behavior that has resulted in physical harm or threat thereof to another employee or the public?

Mr. Granville: Yep.

Ms. Barnes: Okay. Engage in behavior that does not meet a reasonable standard of workplace civility and respect in his or her interactions with other employees or the public.

Mr. Granville: Yes.

Ms. Barnes: Okay. Do you believe that any of your conduct has crossed the lines of those three rules that I just read?

Mr. Granville: I don't think in any of the instances that I was cited for or this one, I don't think I have.

Ms. Barnes: Okay. My understanding was that there was also a state bar investigation, at least discussed, because you also have an attorney license. Do you know anything about that?

Mr. Granville: Yes.

Ms. Barnes: And what, what do you know?

Mr. Granville: That it is pending.

Ms. Barnes: Still.

Mr. Granville: Uh huh.

Ms. Barnes: You participated in responding to it. Have you done through your lawyer, on your own?

Mr. Granville: Through a different lawyer. Julia doesn't do bar complaints.

Ms. Barnes: Okay. Which lawyer did you use or have used?

Mr. Granville: I don't know. I could look it up, but basically it was I met with them for like a couple hundred bucks for like an hour, told them what happened and they were like, this is stupid. Call me if you need an actual lawyer someday, but this is not a big deal. And then at some point, I believe, I have to provide a written response and I paid them or a different lawyer to review my written response.

Ms. Barnes: When was that?

Mr. Granville: Six, eight months ago.

Ms. Barnes: Okay, so let me, if you could provide, I don't want to ask you any more questions about that, obviously, because you're represented and so I can't and it's not her, so if you could provide me the name of that attorney, I would appreciate it.

Mr. Granville: Sure.

Ms. Barnes: If you don't know it right now off the top of your head, let her know and she can forward it to me.

Mr. Granville: Yeah. It's actually at the bottom of the letter, she included her name at the bottom of the letter. She previously worked for the State Bar's investigation things so, she now consults.

Ms. Barnes: Okay. And so your understanding is that the State Bar investigation is still pending.

Mr. Granville: Yes.

Ms. Barnes: Okay. Have you taken any legal action against Tempe Prep for your termination?

Mr. Granville: No, but in retrospect, I wish I had.

Ms. Barnes: Why?

Mr. Granville: I was hopeful that I would get to continue to be a teacher cause it's what I like and love and honestly it's what I'm really good at, like

really good at, as opposed to just try hard. And so my hope was that I could continue teaching and so that I thought if I just generally keep my head down that maybe I could keep teaching. I'm not going to keep teaching.

Ms. Barnes: Why?

Mr. Granville: Well, one, I have a pending discussion with the Board of Education.

Ms. Barnes: That was my next question.

Mr. Granville: Additionally, yeah, I figured it would be. Additionally, who would hire me? Like you Google my name and like, done. I've had three job offers revoked, offered and then revoked over the last year.

Ms. Barnes: Uh huh.

Mr. Granville: One at ASU. We were talking about this earlier, I couldn't remember the third one. One at a like an edutainment gaming company, that does you know education and entertainment for kids.

Ms. Barnes: Uh huh.

Mr. Granville: And then a third one at another like charter school, at Great Hearts Charter School. In all three cases, I was literally offered the job and then like three days later had it revoked. I've since had people call jobs that I've been at to try to get me fired from my jobs. Realistically, I will never work as a teacher again.

Ms. Barnes: So what's going on with the Board of Education? Let me ask you this, are you represented?

Mr. Granville: I had a lawyer assist me with my response, but it was a limited engagement.

Ms. Barnes: So you're not represented now.

Mr. Granville: That is correct.

Ms. Barnes: Okay, so you're free to talk to me about it.

Mr. Granville: Sure.

Ms. Barnes: Okay. Go ahead, tell me what's going on with the Board of Education.

Mr. Granville: Prior to me leaving, so I have a teaching certificate and a master's in education as well. Because at charter schools you don't need a teaching certificate and so while I have taken the classes, taken exams to be highly qualified in, I might get some of these wrong, history, English, economics, government, something else,

Ms. Barnes: Uh huh.

Mr. Granville: like I've taken all these various exams. I don't have to have a teaching certificate and so rather than do the 300 or 400 hours of CLE or whatever their (Inaudible) might expire, the state changed their requirements for that, so as of November, I worked with Tempe Prep to like get my teaching certificate application back in because I didn't have to do all the CLE to do it. Unbeknownst to me, they were filling out my paperwork as they were talking to [REDACTED] and then I submitted my paperwork maybe a week or two unknowingly before I was fired and so my hope was that this would all sort of come through and I would just get to be a teacher. But now the bar is, not the bar, the board of education has sent my application up to some panel to review

Ms. Barnes: you know

Mr. Granville: at some point, I don't know when. Additionally, they are reviewing if they want to revoke my expired teaching certificate, which I'm not even sure how that works.

Ms. Barnes: Uh huh.

Mr. Granville: And so that's, it's going to be like a joint hearing someday.

Ms. Barnes: You don't know when?

Mr. Granville: No, they haven't released the date. Ironically, I actually worked for the AG's office in their education division as an extern when I was at ASU Law School taking away teacher's teaching certificates.

Ms. Barnes: When were you at law school at ASU?

Mr. Granville: From 04 to 07.

Ms. Barnes: And when did you get your teaching certificate?

Mr. Granville: 97 and then I would have renewed it seven years later and then I would have let it expire at the end of those next seven years.

Ms. Barnes: So it expired in 11 and you weren't aware of it.

Mr. Granville: It did not, my math must be wrong because it expired while I was at Tempe Prep.

Ms. Barnes: Right, because you said 97, you renewed it seven years later, which would be 4, and then seven years later expired would be 11, so you're saying it didn't actually expire until 13?

Mr. Granville: Yeah, my math must be wrong about how long it's good for.

Ms. Barnes: Okay.

Mr. Granville: I mean I don't look at it that much.

Ms. Barnes: Expired some point when you were at Tempe Prep, but you don't know when?

Mr. Granville: Yeah, because the first time I renewed it, the way I was able to get around the continuing education requirements is classes count as like CLE and so I submitted, I was like, well, I've got a government history, so I submitted my con-law 1, con -law 2, you know, all my various law school classes and those were considered my continuing education about how government works whatever so that's how I got the renewal, but the second time I didn't have any classes to give them and I wasn't going to do like the 100's of hours of education and stuff for, cause I already had a job teaching.

Ms. Barnes: What's your bachelor's in?

Mr. Granville: Secondary ed to be a high school history teacher.

Ms. Barnes: At ASU?

Mr. Granville: Uh huh.. Graduated in 07. My master's I got in 2000 in education technology and then my law degree I got in 07.

Ms. Barnes: You said 07 when you graduated bachelors, that must not be

Mr. Granville: Oh 97, sorry

Ms. Barnes: 97

Mr. Granville: 97 BA, 2000 MED, 07 law degree, all from ASU.

Ms. Barnes: And you grew up in Tempe?

Mr. Granville: I did not. I moved out of the house when I was, between my sophomore and junior in high school. I moved to Arizona, I moved in with my sister.

Ms. Barnes: From?

Mr. Granville: Richmond, Texas.

Ms. Barnes: Okay. So, you went, you finished high school in Tempe?

Mr. Granville: Yeah, my junior and senior year I went to McClintock.

Ms. Barnes: And so you graduated what, 90?

Mr. Granville: 2. Oh, to go back to your initial question, by the time I realized I was never going to teach again, the statute of limitations had already passed. Like wrongful termination claims and things like that.

Ms. Barnes: You were terminated in December of 17?

Mr. Granville: Yes.

Ms. Barnes: And who informed you that the statute of limitations had passed to pursue any legal action?

Mr. Granville: The attorney I consulted with. I think I've had four or five different attorneys I've consulted with.

Ms. Barnes: But the only person that's currently representing you is Ms. Cassels and

Mr. Granville: That's just in this matter.

Ms. Barnes: Just in this matter and then the other person whose name you're going to give me who is assisting you with the state bar investigation.

Mr. Granville: And actually, I can talk to you about that too, because it occurs to me that's a limited representation as well. She helped me with the letter and she said feel free to hire me if like they actually need you to like show up.

Ms. Barnes: Okay.

Mr. Granville: So it's up to you. I'm happy to talk or not talk, as you wish.

Ms. Barnes: Well, if you tell me that she only represented you for the purposes of preparing that letter and she no longer represents you after that, then I can talk to you about it.

Mr. Granville: Okay.

Ms. Cassels: But isn't it your intent, is it not your intention that if the bar proceeds to hearing that you're going to.

Mr. Granville: Oh, yeah, I'll have to rehire.

Ms. Cassels: So I would say in that event, it's probably not the best choice.

Mr. Granville: Okay, okay.

Ms. Cassels: It's more that you've just hired her in stages.

Mr. Granville: Right. Yeah, cheaper that way.

Ms. Barnes: And you're aware that, I believe, maybe you've got a date wrong here, but statute of limitations of wrongful termination is two years.

Mr. Granville: I don't know. I was just telling you what I was told.

Ms. Barnes: You might want to look into that.

Mr. Granville: Okay.

Ms. Cassels: That is not what I heard.

Ms. Barnes: Well, it's a charter school, so it's still public entity, so you have notice of claim issues.

Mr. Granville: Yeah, that was the issue, the issue was notice of claim. I missed my notice of claim deadline, cause that was 120 days or 100 and something day. Yeah. But again, it's not (Inaudible).

Ms. Barnes: But you were fired very swiftly; obviously you had the conversation and then you're terminated immediately without even having the opportunity to really look at anything as far as the allegations, who was saying it, who said what, I mean.

Mr. Granville: Correct.

Ms. Barnes: So what prevented you from taking some sort of action within that first, you know, month or so that this happened?

Mr. Granville: The hope that I would continue to get to be a teacher someday. Like I'm not trying to like woe is me, it's

Ms. Barnes: Well, isn't it true you honestly thought all this was going to be worked out, it was all a misunderstanding?

Mr. Granville: Yeah. My, my, like, I had lots of jobs. You can see from my thing I do lots of stuff. Teaching is the only thing I love. I literally took a \$100,000 a year paycheck from working at Dickinson Wright to be a teacher. Like

Ms. Barnes: Pay cut?

Mr. Granville: Pay cut? Yeah. That's how much I liked, I wanted to be a teacher at a grade school. So, like if there was any chance of me holding onto that, I was going to, that was my first priority.

Ms. Barnes: Where was the first school that you taught at? I think I might have misunderstood you. Prior to TPA, what schools had you taught at?

Mr. Granville: Prior to TPA, I worked at Dickinson Wright, which was previously Mariscal Weeks for five years and was in law school prior to that. Prior to that, I had taught in China, Mozambique

Ms. Barnes: Okay.

Mr. Granville: financial services companies.

Ms. Barnes: That was all prior to law school.

Mr. Granville: ASU, yeah, all that was prior to law school.

Ms. Barnes: And you did your student teaching at Carson Junior.

Mr. Granville: Yeah, which is actually what made me not want to be a teacher. It was only when I realized you could go, actually there like good students at good schools that I realized I wanted to be a teacher.

Ms. Barnes: I grew up in that area.

Mr. Granville: Yeah, it's changed even worse since you were there.

Ms. Barnes: I'm aware.

Mr. Granville: Yeah.

Ms. Barnes: Do you have any intent to resign from the council?

Mr. Granville: I would like to, but no I can't.

Ms. Barnes: Tell me what you mean by that.

Mr. Granville: Somebody hires you to be a mechanic, do you get to quit because being a mechanic sucks? No. Like you gave your word you'd be a mechanic, so you keep the job.

Ms. Barnes: Well I think you can quit. I mean I think you can quit if you're a mechanic and you don't want to be a mechanic anymore.

Mr. Granville: No, I can absolutely, like logically I am permitted. Ethically, I don't think I'm permitted to.

Ms. Barnes: Why is that?

Mr. Granville: Because 15,000 people voted for me to do a job and I believe I should do that job. And so, it's a horrible, miserable, terrible job where I put up with stuff like this, but it's really not about what I want to do.

Ms. Barnes: Do you think any of your conduct created the situation?

Mr. Granville: I think generally, no, and I'll tell you why. I think that when you have a group of people that are really frustrated, it's not a question of what the issue, it's not a question if there's going to be an issue, it's a question of what the issue is going to be. I can give you an example. I'm on a committee right now that is regulating the scooters that are going around, all the little electric scooters,

Ms. Barnes: Uh huh.

Mr. Granville: And so the way they're charged at night is somebody goes around and picks them all up, like contractors go and pick them up and they charge them and they take them back and they get paid five bucks. Well, since I'm the one regulating them, I was wanting to know like how are you treating these people, what's the situation like? So I sort of, unbeknownst to the company, signed up to be a charger. They sent me the charger things. I went through the process. I charged it one night. I made ten dollars. I donated it to a charity. That was the end of it. Now I know what they do and

how it works. I had an ethic complaint filed against for that. For ten dollars, for money I gave to charity.

Ms. Barnes: So it's a witch hunt?

Mr. Granville: I think it's tribalism. I mean I think everyone means well, I think they just, you know, once you start picking on the fat kid in the playground, like that's the thing to do and you certainly don't want to stick up for the fat kid, cause then you're going to be the one picked on in the playground.

Ms. Barnes: Well, in this situation though, I mean there are some differences from that analogy to what's happened here, so do you think that these co-council members have a right to be concerned that you were engaged in relationships and/or whether they

Mr. Granville: Oh for sure.

Ms. Barnes: let me finish, whether they were physical or not with gals who had just recently graduated from the school at which you had been teaching.

Mr. Granville: Yes. I think that's totally fair.

Ms. Barnes: And why?

Mr. Granville: Why it's fair

Ms. Barnes: Why do you think it's fair that they have those concerns?

Mr. Granville: I think in general, I think any time there is an allegation, I think it needs to be fully investigated. I was fine with the Phoenix Police Department doing an investigation. Like that is, if the allegations were true, that is the appropriate thing to do. I don't have a complaint about that. I think the part that is frustrating for me is they often don't understand the degree to which their own views of me color their beliefs about characterizations and how things are true.

Ms. Barnes: Okay, but my question is a little bit different. Let's assume for sake of argument that the allegations of any criminal behavior are not true.

Mr. Granville: Okay.

Ms. Barnes: Buy just the fact that you had relationships, intimate and/or friendship relationships with these three women,

Mr. Granville: Uh huh.

Ms. Barnes: who had recently graduated from a school at which you were teaching.

Mr. Granville: Uh huh.

Ms. Barnes: You don't think there's any problem with that or concern, reason to be concern.

Mr. Granville: I think there's reason to be concerned, but I think the reasons to be concerned are pretty straightforward. They are grooming, which there's no allegation of that in any of those documents. And that you're somehow using a position of authority to sort of like, you know, you're leveraging authority that you have, like structural authority, of which none of which is in those documents even being accused. So what's left? What's left is you're an old guy dating a young girl. And that's not culturally acceptable; it's no different than saying we want someone investigated because they're a communist, even though it's not illegal to be a communist. It's no different than saying we want somebody investigated because they're gay, even though it's not illegal to be gay. It just so happens that it is a thing that is not culturally appropriate, and I'll be the first to say it was a bad life choice on my part. Like I shouldn't have dated [REDACTED] and as soon as I realized I shouldn't have dated [REDACTED], I broke up with [REDACTED] and I did it in the most respectful like transitional supportive way that I could. I even offered to help, I even offered to pay for therapy for her and to go with her.

Ms. Barnes: So you were aware and you've made some comments today along those lines that all three of these gals suffered or suffer from some emotional issues to be, to put it in broad strokes.

Mr. Granville: Yeah, yes. I think that is true. I don't think that a thing to be judged or bad. I mean.

Ms. Barnes: No, a lot of people have issues. I'm just asking

Mr. Granville: Yeah.

Ms. Barnes: you were aware of that about those three women.

Mr. Granville: Yeah. I mean, and I think that it just makes for a delicate situation.

Ms. Barnes: So weren't you concerned, having, weren't you concerned engaging in those relationships in light of that and because they had been students at your school?

Mr. Granville: So in the case of [REDACTED], I didn't know any of that because it was a blind date.

Ms. Barnes: Okay.

Mr. Granville: In the case of [REDACTED], I would continue to argue that we never dated, that there was never any dating, a friendly relationship.

Ms. Barnes: Okay, I mean friendship relationships.

Mr. Granville: Sure. In the case of [REDACTED], I was in ongoing conversations with her dad every day or every week about like hey, here's what's going on. I talked to [REDACTED]. Here's what's like, like we would talk about my friend and his daughter together on a weekly basis, so I felt pretty comfortable in that situation. I felt comfortable in that situation because she's super, super gay, like it is the safest situation that there is. In the case of [REDACTED], it didn't become apparent right away what was going on and as soon as it did became apparent, I politely removed myself as quickly as I could.

Ms. Barnes: Okay. I'm bouncing around a little bit just cause things popped in my head

Mr. Granville: That's okay.

Ms. Barnes: as we're sitting going through it all. When you went to San Francisco with [REDACTED], why did you have one bed?

Mr. Granville: We were staying at a friend's house.

Ms. Barnes: You weren't in a hotel?

Mr. Granville: No.

Ms. Barnes: Okay.

Mr. Granville: The way the situation came about was [REDACTED] at some point had asked me to go to like a lesbian like location. I don't know what it would have been, like a club or something with her. And I was like, no, I'm not going. She was like, oh, you should go. And I'm like, I

don't go. She said well I'm really scared to go. I'm like, I'm totally confused. You're gay and you're, you want like moral support to go to a gay bar. She said well I've never really seen or been around gay people before. There was a whole discussion. And that was about the same time that I was going to San Francisco anyway, so I asked her, I'm like, hey, do you want to get a couple of people and we'll invite some friends and one of my friends is going to be gone for the holidays and she said I could stay in her place in San Francisco. And so the original plan was that three or four of us were going to San Francisco and so I invited her along so that I could take her to wherever

Ms. Barnes: Gay bars.

Mr. Granville: Yeah. Not gay bars, no, whatever that street is. There's a street that's like got rainbow sidewalks and stuff, I can't recall what it is. And she thought that was a really interesting thing and so I talked to her dad about it and made sure it was okay with her dad and there were no issues and then at the last minute, one, two of the other people bailed out and I was like, well, you can come or not come, it's up to you. She's like, no, I'll come anyway and so we literally like sat in a coffee shop window and like, in this like area,

Ms. Barnes: Haight Ashbury?

Mr. Granville: No, no, Haight Asbury is where all like the hippies are. You know, Julia, there's an area

Ms. Cassels: I know what you mean, but

Mr. Granville: They've literally got like stars of walks of fame where's it's like Alan Turion's got a start and like Liberace's got a star and

Ms. Barnes: Okay.

Mr. Granville: At any rate, and so we sat in a coffee shop just so that she could generally feel more comfortable being around people that she would have something in common.

Ms. Barnes: So you stayed at a friend's house, but they were out of town.

Mr. Granville: Yes.

Ms. Barnes: So why share a bed? She didn't put herself on the couch.

Mr. Granville: I offered to sleep on the couch and she was like, don't worry about it. Keep in mind, this is literally like a week after the allegations of me attempting to whatever supposedly happened and so why in the world, like just none of it makes sense, because like a week later we're in San Francisco and we're sharing a bed and she's totally fine with it, even though there was a couch I was perfectly fine sleeping on.

Ms. Barnes: Well, my understanding is that the trip was sometime later.

Mr. Granville: No, it was not sometime later. It was a week or two later at best.

Ms. Barnes: Okay, that is not what she indicates.

Mr. Granville: Okay.

Ms. Barnes: She said it was quite some time later.

Mr. Granville: So the instance with her coming to my house was December of 14. We went to San Francisco Christmas of 14, so it had to be within a week or two.

Ms. Barnes: Okay. Your girlfriend's aware of all of this, I imagine.

Mr. Granville: Uh huh. She's the reason it all happens (Inaudible) theory.

Ms. Barnes: What do you mean?

Mr. Granville: So [REDACTED] and I last went out in like December of 16 or January of 17. [REDACTED] and I started dating, you know, in August. We changed our Facebook profile in November within a week or two. [REDACTED] came forward to talk to the school within just a week or two.

Ms. Barnes: So you think [REDACTED] did it out of spite because you were in a Facebook official relationship.

Mr. Granville: I think she was in a lot of pain. I think she was looking for a way to like not be in a lot of pain.

Ms. Barnes: Well, tell me what you mean by that.

Mr. Granville: I think when someone is in, here's an example. So I was in a relationship for five years and I really thought it was going to be like the best, I thought it was the rest of my life and when it ended, I was absolutely crushed. I was depressed. I lost probably 30 pounds, which I didn't have to spare, and I was miserable and I

would have done anything to stop being miserable, like anything. Anything that would have given me any chance of like not being sad, I would have done. So I can have some sympathy for that.

Ms. Barnes: When was that in your life?

Mr. Granville: We started dating in 07; I think we broke up in 12. Ironically, her name is also [REDACTED] and it took me probably the better part of five years to get over it.

Ms. Barnes: How old was [REDACTED]?

Mr. Granville: Younger than me. She was at ASU.

Ms. Barnes: So quite a bit younger.

Mr. Granville: Uh huh. She now has a PhD and a law degree and lives somewhere in the Midwest.

Ms. Barnes: After you and [REDACTED] stopped dating in January of 17ish, I think she says it's February of 17, you didn't have any contact with her after that?

Mr. Granville: I don't know. I was very nervous about how she would deal with it all and so I think the conversations were generally of the type, actually, I know the conversations, I'm not saying I think, the conversations I had with her were very much this, I'm not abandoning you. I'm not leaving you. I'm not ghosting you. I'm not going away. I will always be here to support you. We're not going to date. We're not going to be intimate and I think you will find that while talking to me makes you feel good in the moment, it generally makes you feel worse and I would encourage you to start to see that pattern and I think you will find that it is easier for you to not see me than see me, but I will always be available to talk or go to like joint counseling or whatever you would like. And so, I think over a period of three to five or six times she would want to talk with me and like I've got more things I want to tell you about why we broke up and we would talk and then a day later she would be like I feel horrible and I'm like yeah, I told you you would and so, she started to see that pattern as well, she stopped reaching out to me.

Ms. Barnes: Why did you move out of your home in Richmond, Texas when you came to Arizona?

Mr. Granville: My mom

Ms. Cassels: When he was 16?

Ms. Barnes: Uh huh.

Mr. Granville: I don't mind answering. My parents got divorced when I was 13. My mom got custody of me. My mom went crazy, like she was unable to function as an adult. She was hospitalized a couple of times. I moved out to Arizona for archery training stuff cause my coach lives in Arizona, I was a big archer, lived with my sister while I was here for the summer. Called my mom and said, look, I'm not coming home. And so after some discussion and debate, she transferred my transcripts so that I can live here.

Ms. Barnes: All right. Is there anything else you'd like to add or clarify, say, ask?

Mr. Granville: No, I mean, it's going to seem really odd to say. My preference would be that the names of the girls stay anonymous while I didn't get the best end of this deal, I conceptually think that that's the way to go, so, for what it's worth. Anything I can do in that regard.

Ms. Barnes: Well, I mean whatever's public knowledge is public knowledge based on the police report and what's been released and stuff so I'm not doing. I'm certainly not publishing anything.

Mr. Granville: The girl's, yeah, the women's names are not public and I think that's

Ms. Cassels: And they are redacted from

Ms. Barnes: From the ones you have.

Ms. Cassels: From publicly available

Ms. Barnes: Yeah.

Ms. Cassels: reports. They've been redacted, (Inaudible).

Ms. Barnes: All right, I think that's all I have for now. I've got one or two other things to follow up on, witnesses that I want to talk to and if I have any follow-up questions, I could just email you, would that be all right?

Ms. Cassels: Yep, absolutely.

Ms. Barnes: All right and if you could just get me the name of that attorney who's helping you with

Mr. Granville: Yeah, let me job the note so, that'll be like two second

Ms. Cassels: It's not Karen, right?

Mr. Granville: I don't, I just don't know. I have no idea. It's at the bottom of the email I sent to

Julia. Okay.

Ms. Barnes: Okay, so I'm going to stop the recording now. I'm not sure if it worked or didn't work. It seems like it's working, but this is a new app that I just tried, so, going off the record now at 3:15 on November 7<sup>th</sup>, 2018.

I, Betsy Mason, owner and operator of Gotcha Secretarial Services, do swear and/or affirm that the foregoing is a true and accurate transcript, to the best of my ability, as recorded on the audio file provided to me.

I FURTHER CERTIFY that I am in no way related to nor employed by any of the parties hereto, nor am I in any way interested in the outcome hereof.

\s\ Betsy Mason  
Betsy Mason

Dated this 24<sup>th</sup> day of January.. 2019, Phoenix, Arizona.

# Memorandum

## **C O N F I D E N T I A L** (Attorney/Client – Work Product Privilege)

DATE: December 4, 2018

TO: Judi Baumann, City Attorney

FROM: Sarah L. Barnes, Outside Counsel (Broening Oberg Woods & Wilson)

SUBJECT: Code of Conduct Violations – Kolby Granville – Former Students' Allegations

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This memo is intended to provide factual findings and recommendations with respect to possible Code of Conduct Violations by City of Tempe Council Member Kolby Granville, in connection with allegations made against him by former students at the school at which he taught (Tempe Preparatory Academy – “TPA”), which led to his firing as a teacher at TPA, and a criminal investigation handled by Detectives at the City of Phoenix Police. According to the information received, Mr. Granville was accused of sexual assault, assault and providing alcohol to minors.

Consistent with the Tempe City Council’s Code of Conduct, the initial inquiry of alleged violations of the Code of Conduct began with a referral to the City Attorney, who in turn hired me as outside counsel to investigate the allegations to determine whether the allegations, if true, would qualify as a violation(s). (See Resolution 2009.126).

I have determined that if true, the allegations would constitute violations of the Personnel Rules & Regulations, Rule 406.B. (9-12) (Revised May 2018), and the Ethics in our Workplace Handbook, as these documents are incorporated in the Code of Conduct, and therefore fall within the Code of Conduct. Further, in light of the Findings of Fact below, based on documentary evidence and interviews conducted, I have determined that there is a preponderance of the evidence that the allegations, at least in part, are more probably true than not, and that Mr. Granville has committed Code of Conduct violations, for which the current maximum sanction is formal censure.<sup>1</sup>

### **I. FINDINGS OF FACT**

As a part of counsel’s outside investigation of this matter, I reviewed police reports, emails and other personnel documentation provided by Mr. Granville’s former employer, TPA, and I also conducted interviews of City of Phoenix Detective Mose, Mr. Granville

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<sup>1</sup> However, on November 6, 2018, Tempe voters approved Proposition 418, adding a new subsection 2.06(D) to the Tempe City Charter, Removal from office, to authorize the City Council to remove a councilmember, by supermajority of 5 of 7 votes, for unlawful conduct involving moral turpitude, fraud or corruption. Charter Amendment is pending approval by the Governor.

(recorded, with his attorney present), and John Kelley, TPA's attorney. The following is a summary of what was reported to TPA and then to the City of Phoenix Detectives, in connection with former TPA students' allegations against Mr. Granville, as well as the lead Detective's perspective on the matter, Mr. Granville's response via interview, and some additional clarification/perspective from TPA's documentation.

#### **A. Allegations of Three Former TPA Female Students**

##### **1. [REDACTED]**

On January 18th, 2018, AZ Central published an article about Tempe City Councilman Kolby Granville being terminated from his teaching position at TPA. He was terminated for inappropriate conduct with former students by allegedly providing them alcohol when they were under 21 years of age and possibly making unwanted sexual advances towards two of them. Tempe Police saw the article and made an inquiry to the school to obtain additional information about the people involved, but then elected to recuse themselves due to potential conflict of interest. City of Phoenix was assigned the criminal, and it was handled by Sgt. Breitzman and Detective Mose.

Shortly thereafter, Det. Mose contacted TPA's attorney, John Kelley, to ask for the information that had been released to the media for their article. She received the same redacted information that TPA released to the media for their public information request. Based on this information, which included numerous emails with former female TPA students, Det. Mose put together a timeline and then reached out to the females to interview them.

On 01/26/18, Det. Mose spoke to "[REDACTED]" over the telephone, and the conversation was audio recorded. [REDACTED] graduated from TPA in May of 2015 and never had Granville as a teacher while she was at TPA. She knew who he was because TPA is a small school and everyone tends to know who everyone is. [REDACTED] first met with school officials at the end of November to discuss her issue with Kolby Granville. [REDACTED] stated they had a consensual relationship from April of 2016 to February of 2017, not just six months as Granville claimed in the news article. [REDACTED] had multiple conversations with Granville while she was a student and on one occasion he flirted with her when he commented how attractive her dress was at prom. At the time she did not think much of it. [REDACTED] turned 18 years old in August of 2015, after graduating from TPA. She did not have any contact with Granville until September of 2015 while attending a neighborhood meeting, after which, he asked her to be Facebook friends.

After [REDACTED] and Granville became Facebook friends, he asked to meet her for coffee or lunch. Though [REDACTED] and her mother both thought it was weird, she agreed to meet him for lunch, believing there was nothing romantic about it. [REDACTED] thought they were just meeting so he could get to know her and ask her questions about the City of Tempe.

They had contact off and on via text about City related things until she asked to meet with him in February of 2016 to interview him for one of her college classes. During the interview it remained professional, until he asked [REDACTED] if she wanted to see a movie with him. She declined at first, but then after seeing him again in April, Granville again asked her out and they started dating a week later. Once they started dating, Granville insisted she not tell her parents or her friends that they were dating. [REDACTED] stated he actually told her he could get fired if anyone found out they were dating. Granville also did not take any pictures with [REDACTED] aside from the one picture she took outside the movie in April when they first started dating.

While [REDACTED] acknowledged that nothing physical happened until after she was 18 years old, she described herself as being very immature and sheltered, which Granville knew and recognized. The reason she decided to come forward to the school is because someone she worked with told her that a student was alone in the room with Granville, and he touched her inappropriately. [REDACTED] added that while she was dating Granville, he had told her a story about the school not letting him be alone with female students because he had touched a student inappropriately. [REDACTED] also disclosed a conversation she had with Granville about how old she looked, and he told her that she looked "16." She knew that Granville found younger women attractive.

[REDACTED] did not feel comfortable reporting her relationship at first, however, because one of her friends has a father that is on the board or teaches at TPA. She also saw in the article that Granville accused her of making this claim because she was jealous of his new girlfriend, but [REDACTED] again stated she only came forward because of what her coworker told her about a former student at TPA, and she said she ended the relationship. [REDACTED] stated she asked him if he could ever love her, and Granville told her "no," so she decided to end the relationship. Finally, [REDACTED] stated Granville did buy alcohol for her when they were dating, but it was usually just them, other than once in Vegas.

2. [REDACTED]

On 02/05/18, Det. Mose interviewed [REDACTED] in-person, which was audio and video recorded in its entirety. While [REDACTED] was at TPA, Granville was never her teacher, and she did not really have any interaction with him at school. She graduated in May of 2013, and was still 17 years old. She was going to take a month-long trip to Germany, and a teacher, [REDACTED], recommended that [REDACTED] speak to Granville because he had traveled pretty extensively ([REDACTED] was the [REDACTED] at TPA in 2013). So, [REDACTED] contacted Granville by telephone, and they met at Cartel Coffee on September 2nd, 2013, and walked to Tempe farmer's market to get something to eat. They planned to meet a week later to go road biking, but they instead met for breakfast. During breakfast Granville started making comments about her appearance, telling her that she was an attractive, smart woman, which she thought was weird coming from an older man. [REDACTED] told Mrs. [REDACTED] about the comments Granville made, and she told [REDACTED] that he likes

to date younger women and that it sounded like him. They met several more times for meals, and after the fourth time, he suggested they go back to his house for ice cream and to get the travel books he was going to loan her.

At his house, Granville took [REDACTED] to his roof, and while they were on the roof, he asked [REDACTED] to lay on his chest; she did not answer, so Granville pulled her on his chest. While they were talking, Granville started talking about his sexual experiences, and he told [REDACTED] that she would not like the things he was into, which made her very "uncomfortable." He also kept pulling her hand to rest on his chest, and she kept pulling it away. [REDACTED] said Granville was also asking her questions about whether she liked older men and would she date him, which also added to her discomfort. She told him then that they should just be friends, and she did not date anyone unless she was friends first. [REDACTED] finally said she had to leave because her parents were waiting for her, so they stood up. Granville then made a comment about [REDACTED] being 18, and she responded she was still only 17 years old. He then said something to the effect of "well I guess that shoots down my idea of a goodnight kiss." [REDACTED] took the travel books and left Granville's house.

[REDACTED] did not see Granville again prior to leaving for her trip, but they did maintain contact via Facebook messages (these were provided by [REDACTED]). [REDACTED] stated she became uncomfortable with some of his messages and made up a story that she was seeing someone, so he would stop sending her so many messages. [REDACTED] returned from her trip at the end of October, she thinks she just dropped by his house in November to drop off the travel books. Granville answered the door when she knocked and asked her to come in and put the books on the coffee table. [REDACTED] walked in, put the books down, turned around and Granville was closing the door. He was standing between her and the door. Granville asked about her trip, walked towards [REDACTED] and kissed her. She pushed him away because she did not want to be kissed by him. Granville stayed in front of the door and said "I don't think you're ready to leave yet," which frightened [REDACTED]. She was not sure how to get out of the situation, so she told him that she should go because there were friends waiting for her. Granville grabbed her by the shoulders, in a way [REDACTED] felt he was trying to reach for her chest, and he kissed her again. [REDACTED] pulled away again, and Granville stated something to the effect of, maybe you should leave before we do something we'll both regret. [REDACTED] felt threatened by that remark, walked out of his house and said "goodbye."

[REDACTED] told a few friends what happened, as well as Mrs. [REDACTED]. Mrs. [REDACTED] just laughed it off and said that sounds like Granville. [REDACTED] decided to report this to the school because she found out that Granville was fired from the school, so she wanted to tell them her story. [REDACTED] learned about Granville being fired from a family friend that [REDACTED], and who also happened to be a Tempe City Council member, Lauren Kuby. [REDACTED] has request to not be assigned to work at events [REDACTED] when Granville might be present. [REDACTED] said she feels a lot of guilt for not saying anything at the time, especially after she read the article. The comments Granville made in the AZ Central article also made her angry, so

she felt it was her responsibility to tell the school it was not just those two girls. [REDACTED] thought about contacting police, but she did not want her name associated with it and this has become a lot bigger than she anticipated. It was explained to [REDACTED] the events she described constituted an assault; specifically the kiss. [REDACTED] was still visibly upset about the incident that happened with Granville in 2013 and had yet to speak to a counselor about the traumatic event. However, several days later, Det. Mose contacted [REDACTED], and left a message that the other girls did not want to prosecute ([REDACTED] had asked if the other girls would prosecute). [REDACTED] never called back to prosecute.

3. [REDACTED]

On 2/8/18, [REDACTED] went in for her interview with Det. Mose, which was audio and video recorded. [REDACTED] graduated in 2013, and was friends with [REDACTED] towards the end of 2013 and did ask her on a date at the end of the school year. [REDACTED] said they went on a date, but it was more or less them hanging out and nothing else happened. She stayed in touch off and on with [REDACTED] over the next couple of years, but [REDACTED] parents were very strict and blocked [REDACTED] from her phone. When they did talk, it was via email from an account [REDACTED] created without her parent's knowledge. [REDACTED] does communicate with [REDACTED] now on a regular basis, but never knew about [REDACTED] relationship with Granville until well after [REDACTED] and Granville stopped seeing each other. They did not stop speaking because [REDACTED] started seeing Granville, as Granville stated in an email to John Kelley.

Det. Mose asked [REDACTED] what her relationship with Granville was while she was at TPA as a student. According to her, he was never her teacher, but TPA is a small school and everyone knows everyone. She would talk with him before school started in the mornings when he had courtyard duty. [REDACTED] described Granville as being progressive and accepting of her gay lifestyle, which was unusual for the school environment. Granville then contacted her in the spring or summer of 2014 and said he had wanted to wait a year until after she graduated before contacting her, to create some distance. Granville asked [REDACTED] to join a TPA summer run club, which she declined, and he later invited her to a movie festival, which she also declined. Her parents were aware of her contact, but did not think much of it because she tended to be friends with adults because her older brother is 15 years her senior; based on her sexuality, they were also not worried about there being a sexual interest there.

[REDACTED] also talked about Granville providing alcohol for her and other underage friends in the summer of 2014. She had a friend who attended Arizona Technical Institute and lived on campus in the dorms. Granville would come to the dorms with alcohol, hang out with college kids and consume alcohol. That same summer is when Granville also asked [REDACTED] to go to a jazz concert, to which she agreed. He asked if she wanted to leave the concert and go to a friend's party, and [REDACTED] agreed. While they were at the party, they both consumed alcohol and that is when Granville kissed her. [REDACTED] pulled away, he apologized; she just chalked it up to a "drunken mistake" and did not think anything of

it. [REDACTED], so she did not tell [REDACTED] about what happened, as she did not want him to get upset and do something that would jeopardize his career. After the party, [REDACTED] and Granville continued to talk. She would go over to his house, and they would have drinks and watch movies.

Granville also went to Tucson and stayed with [REDACTED] in her apartment for a night because he was going to go cycling on Mt. Lemon. During that visit nothing happened, however, she believes he made a pass at one of her friends there. After a break up that [REDACTED] went through in the fall of 2015, she and Granville started talking on a more regular basis. During one of their conversations, Granville asked if she wanted to go with him to San Francisco for New Year's Eve. He said it would be an inexpensive trip for her because he was driving, they had a place to stay, so she would just have to pay for food. [REDACTED] agreed to go because she loved to travel and thought this was a good opportunity for an inexpensive trip.

Prior to going on the trip, [REDACTED] went to Granville's house in December to watch movies. They had gin and cranberry juice to drink while they watched movies. She realized she was too intoxicated to drive, so she asked to sleep on the couch. Granville told her his bed would be more comfortable, so she agreed to sleep there. [REDACTED] got in the bed, but does not remember if she changed clothes or was wearing jeans. She said Granville had a night stand with various women's clothing items and she thinks she may have put on shorts or pajama pants before getting in bed. Granville got in bed with [REDACTED], moved behind her in a "spooning position" with his arm around her. She felt him put his hand down her pants and digitally penetrated her vagina with his fingers. [REDACTED] told Granville to stop, but that is when he became more persistent and said something to effect of "having sex with a guy is no different than having sex with a woman with a strap-on." The words were and still are hurtful for [REDACTED] because Granville was aware of her sexual orientation and was still trying to have sex with her. She was visibly upset and tearing up as she described Granville's words and actions. [REDACTED] again told Granville "no," but he continued to touch her on her vagina, until [REDACTED] pulled his hand from her pants. She got out of bed, grabbed her clothing, went to her car and cried for a little while. She then drove home and cried some more. She did not say anything to her parents or anyone at the time. [REDACTED] did eventually tell her mother a little about what happened, a couple of years later, and her mother advised her not to tell [REDACTED] because [REDACTED].

[REDACTED] sent Granville an email after the incident at his house actually apologizing to him because she thought somehow she had done something wrong or overreacted. She said in the email she kept blaming herself and said her psychiatrist had changed her medication, so she blamed that as well. He did not reply by email, but she thinks he replied via text or in person. [REDACTED] does not have these text messages because it was an old phone that broke and it was a different phone number at the time. After she spoke with Granville, [REDACTED] decided to go to San Francisco because she thought the boundaries were established, and he again told her that she would not have this opportunity to go to San

Francisco for such a low cost. While they were in San Francisco, nothing sexual happened between them; they walked around, ate and drank alcohol while they were there. She did sleep in the same bed as Granville, but stayed to the very far side of the bed because there were only two space heaters in the apartment. She described Granville as being slightly quiet and reserved on the trip and at a later time he told [REDACTED] he was pre- occupied with family matters.

[REDACTED] also discussed some Facebook messages between her and Granville discussing their dating lives and "[REDACTED]," some of which Det. Mose had already received from John Kelley. [REDACTED] confirmed that some of the messages were referring to [REDACTED], and she told Granville to stay away from her because she was naive and innocent. They also discussed the numerous emails [REDACTED] had with Granville; most of them were about him trying to find odd jobs for her to make money. [REDACTED] was paid to work on Granville's campaign, his sister's campaign, and she graded papers for him when he was teaching at TPA. [REDACTED] also added that when Granville stated in the article that he was far removed from whomever worked on his campaign and that he was not aware [REDACTED] worked on his campaign, it was an obvious lie because they were friends, went to San Francisco together and exchanged emails about it.

Also according to [REDACTED], while she was on the roof with Granville at some point during their friendship, he told her a story about [REDACTED]. According to [REDACTED], Granville told her that he felt like he was set up on "kind of a date" with [REDACTED] by another teacher, Mrs. [REDACTED]. [REDACTED] was also told by Granville that [REDACTED] was interested in him, and she put her head-on his chest, but he was not really interested, especially once he learned her age. According to [REDACTED], he also said he did not find [REDACTED] attractive and he supposedly told [REDACTED] about this too.

[REDACTED] said Granville liked to go on the roof to hang out. The story with [REDACTED] came up because [REDACTED] was telling Granville how she did not get along with [REDACTED] because she was a ring leader of kids that bullied [REDACTED] while she was in school. [REDACTED] is not sure what to think about [REDACTED] claim, but [REDACTED] identifies as a lesbian, so Granville's version of the story that [REDACTED] was interested in him does not really make sense to her. She also added that [REDACTED] identified as being gay until her relationship with Granville, then she identified as being bi-sexual.

[REDACTED] stopped communication with Granville after San Francisco and after his campaign ended. He would send her the generic emails he would send other people about Tempe and maybe some Facebook messages. [REDACTED] stated multiple times during the interview that she came forward so this would not happen to anyone else and to support [REDACTED] story. She has not had any contact with Granville since the article came out, but she did have Facebook messages from the time they were friends. [REDACTED] stated she would forward the Facebook messages and all the emails involving Granville to me. I did refer [REDACTED] information to the victim advocates to contact her after i explained to [REDACTED]

what services they could offer. [REDACTED] did send some of the emails to me; however at a later time she decided not to move forward with prosecution and did not send me the Facebook conversation with Granville or any more emails. The reasons given by [REDACTED] not to prosecute are Granville's position in government, [REDACTED] is still a [REDACTED], the business of her life with school, and she wants to put the event behind her.

On 03/05/18, Det. Mose contacted Julia Cassels, Granville's attorney, to find out if he was willing to speak with her in reference to the allegations against him. She advised Det. Mose that she would speak to her client and get back to her; Ms. Cassels never got back to her. Granville did send an email to John Kelley, TPA's attorney, after he was terminated to address some of the allegations. He also spoke to the journalist who wrote the original article for AZ Central. In the email and article, Granville denies ever providing alcohol for anyone underage or even knowing [REDACTED] prior to her graduating from TPA. He also stated that he only dated [REDACTED] for six months and that did not start until the start of her sophomore year at ASU (September 2016). He acknowledged they went on a couple of dates in April of 2016, which is when [REDACTED] stated they started dating. Granville stated he was friends with [REDACTED] and her family, but denies any memory of drinking with her or touching her. He even stated if she worked on his campaign, she was so far removed he did not know. [REDACTED] provided emails from Granville to her specifically about working on his campaign. Granville stated [REDACTED] initiated the Facebook messages to him, but looking over the messages, Det. Mose said it appeared to be a very mutual conversation. Granville also implied [REDACTED] and [REDACTED] had an on-going romantic relationship that ended when he started dating [REDACTED]. Granville did not make any comments to the media pertaining to [REDACTED] allegations.

#### *4. Additional Information On Another Potential Victim*

Additionally, Det. Mose was contacted by Chad Sampson, a board member at TPA, who advised he knew about two different people/situations for which he wanted to provide information. While at a school meeting, Tony, the father of an 8th grade student, told Mr. Sampson that his daughter received a friend request on Facebook from Granville on 1/30/18. Mr. Sampson provided Tony's number in order for Det. Mose to contact him for details. Mr. Sampson also told Det. Mose about receiving information on allegations by [REDACTED].

On 02/05/18, Det. Mose contacted Tony by telephone to get additional information about the friend request from Granville to his daughter (recorded). Tony stated his daughter is in 8th grade at TPA and has never had Granville as a teacher. On 2/2/18, she told her dad that she received a request from Granville to follow her on Instagram on 1/31/18. She thought it was weird he wanted to follow her, but she did not accept it and never had any personal contact with Granville. Det. Mose asked Tony if he wanted to bring his daughter in for an interview by a dedicated forensic interviewer to find out if there was

anything she had not disclosed to him, but he was positive there was no contact outside of normal school interaction between Granville and his daughter, and he declined.

### **B. Detective Mose' Impressions**

On October 25, 2018, I interviewed Det. Mose in person. Det. Mose works in the Adult Sex Crimes Unit, and has been a detective for many years. It is her opinion that all three women were telling the truth, and the emails and other information she saw generally corroborated a lot of what they told her and was also consistent with their prior statements/allegations. However, she also noted that all three seemed very insecure and vulnerable, and that they were the perfect type of victims for an older man who had been in a position of authority to target. She believes that Granville chose them specifically, because they would be easy to manipulate, due to their vulnerability, sexual identity struggles and overall insecurities.

However, because the women refused to prosecute, and there were no definitive statements by Granville (other than a couple of general denials via the article – he refused to respond to interview requests), she did not have enough to recommend prosecution. She did however indicate the statute of limitations on some of the alleged crimes had not yet run.

### **C. Summary of Mr. Granville's Responses Via Recorded Interview**

On November 7, 2018, I conducted an in-person interview with Kolby Granville, at his criminal defense attorney's (Julia Cassels) office. They allowed me to record the interview on my phone, which we are in the process of trying to transfer to get transcribed. Mr. Granville admitted to the relationship with "████████", as well as the friendships (as he called them) with █████ and █████. He said he does not remember ever giving alcohol to any of them, but witnessed █████ drunk and █████ drinking – he claims they must have gotten their own drinks, and that he did not drink with them. He said it would have been a stupid thing to do, since he is politics (although he claims that █████ Dad let her drink). He also admitted to being with the women on all of the occasions that they discussed in the allegations, including at their schools while there was drinking, although he said nothing inappropriate happened.

However, when asked about █████ allegations of being sexually assaulted in his bed – rather than unequivocally deny it occurred – he said "I'm sure that did not happen." He claims he must not have done it, because in the email █████ sent him the next day, she did not mention him assaulting her, and that she is "super gay." He also does not remember them sharing a bed at his house. He admits they shared a bed a couple of times, but the night █████ is referencing, he claims that █████ became overly emotional, and that she left the night from his house because she had been crying throughout the night for no apparent reason; however he then said that he woke up several times in the night and

early in the morning, and she was still crying (suggesting he was right next to her). He also says they were friends for a long time after that, and he now remembers that [REDACTED] worked on his campaign. He then initially denied knowing [REDACTED] friend at UofA, but then switched gears and remembered her. He also initially denied hitting on the friend, then changed his story to say he does not remember for sure if he did or not, but that he never ended up going out with her.

Granville also admits that he went out a few times with [REDACTED] (but does not remember any specifics), and that after a few dates they went to the roof of his house; he claims he did not know how old she was. He admits [REDACTED] had her head on his chest on his roof, but that as soon as she said she was 17, he claims he told her to immediately leave. However, again, when asked about kissing her when she came back to his house with the travel books (which he says he does not remember giving her), he says he does not remember her coming back to return the books (but it could have happened), nor kissing her and that he is “sure [he] would not have done that,” and that it would be “out of character” and does not “logically make sense,” but he has no recollection either way. He vacillated between having a very clear memory of some things, but then not a good memory when it came to some of the specific allegations of criminal conduct, like the unwanted kiss – he claims it was six years ago, so he could not remember, yet he remembered the rooftop. He also then claimed that he complained to Mrs. [REDACTED] that she should not have set them up, but says Mrs. [REDACTED] claimed it was not a big deal. At some time prior however, Granville admits that [REDACTED] identified as gay, but she said also said she wanted to date Granville, and he was interested, until he learned she was 17. Although when asked about having previously claimed he was not attracted to [REDACTED], he again did not remember whether he said that or not.

Granville also acknowledged that the three females at issue were very vulnerable and insecure women, which he knew at the time he was involved with them. He actually said that is the reason he influenced [REDACTED] to break up with him – because she was too needy. Granville also admitted he has tended to date much younger women, but that he is now with a women in her 30's. Interestingly, Granville also volunteered that he had been devastated by a break-up with a much younger women (in her late teens/early 20's), and that this occurred right before these situations with these three women started happening. He believes however that [REDACTED] reported him to TPA because she was jealous of his new girlfriend. He did not provide any explanation for why [REDACTED] or [REDACTED] would have made the allegations they made.

When asked about the Code of Conduct, he said he was aware of the rules by which council members were to abide. He also admitted that there were reasons to be concerned about him having dated and/or interacted as he did with these young women, who had just recently been students where he was teaching. Although he claims there were no allegations of grooming (even though he admitted they were vulnerable and it made for a delicate situation), and that really the problem was because he was an old guy dating young

women, which is stigmatized “like communism.” He also says he made some “bad life choices,” and he should not have dated [REDACTED]. Mr. Granville also confirmed there is a State Bar investigation into his conduct, but that as far as he understands, that has not yet been resolved. He is also in the midst of a dispute with the Board of Education regarding his teaching certificate.

Overall, Mr. Granville came across as somewhat evasive and deceptive at numerous times, while at other times trying to be very cooperative and open about his actions, when he was characterizing them as appropriate and being a self-proclaimed good guy. He said he preferred that we record the interview, and his lawyer only objected one time on relevance to a question, but Mr. Granville readily answered (about why he left home as a teenager to move in with his sister in Tempe, which was because his mom was unstable). He also said he was fine with having been investigated by the Police, but that he did not respond to their requests to be interviewed. His final statement was that he wants to still protect the women’s identities, even though he did not get the “best end of this deal.”<sup>2</sup>

#### **D. TPA Emails & Granville Student Reviews**

The emails provide by TPA are consistent (although do not include much detail) with what has been reported about the women’s allegations. And, TPA did see some of the Facebook messages, emails and texts between Granville and the women. Further, TPA believed there were inappropriate actions by Granville, because they fired him on the same day they brought him in to interview him about the allegations they had received. They fired him on the spot, even though it was the end of the term, and he had not yet even graded papers/tests that had just been submitted by his students.

TPA also provided student reviews (and peer reviews) from Granville’s personnel file. Many of the students made comments about how Granville behaved inappropriately in the classroom, making inappropriate remarks to and about students (especially female students), and that he was very flirtatious with and favored a couple of attractive female students. Students also commented on Granville’s interactions with students on social media, and their belief those interactions were inappropriate. Indeed, even after being fired and being accused of this conduct, Granville sent a friend request to an 8<sup>th</sup> grade former student of his. Granville did not deny this, but again, did not have a clear memory of it (although he claims sometimes people do his social media for him, but he could not provide a clear explanation of who or why).

#### **II. APPLICABLE CODE OF CONDUCT SECTIONS & PREPONDERANCE OF THE EVIDENCE STANDARD**

##### **Personnel Rule 406.B (Revised May 2018).**

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<sup>2</sup> We have a CD of the recorded interview, but we have not yet paid to have it fully transcribed.

9. *[The employee has] been abusive in attitude, language, behavior, or conduct toward another employee or the public.*
10. *[The employee has] engaged in behavior that has resulted in physical harm, or the threat thereof, to another employee or the public.*
11. *[The employee has] engaged in behavior that does not meet a reasonable standard of workplace civility and respect in his or her interactions with other employees or the Public.*
12. *[The employee has] engaged in conduct, on or off duty that is of such a nature that it causes discredit to the City.*

### **Ethics in our Workplace Handbook**

*Essential decency in our dealings with peers, bosses, and subordinates and all those outside the City with whom we come in contact. Earning the respect and regard of others for what we do and how we do it. Thinking through the implications of our actions, and our lack of action.*

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*It's a matter of respect.*

*The City isn't a building, a piece of equipment, a form to fill out, or a budget. It's people. A community of people. A team. A family.*

*We see each other every day, work together closely, share common goals and depend upon each other. We have bad days and good days. We squabble and squirm, fuss and fight, and agree to disagree. We also help each other out, trade confidences, pour on the second effort, and laugh together over coffee. We rise to the occasion, in small and big ways.*

*The only way the relationship works is to treat one another with fairness, dignity, and respect. We insist!*

*Our City is not only obligated, but committed, to provide you with a work environment that is safe, fulfilling, and dignified. Intimidation, coercion, and harassment of any kind have no place here.*

The foregoing rules and guidelines are incorporated into the City Council's Code of Conduct via Resolution 2009.126. Resolution 2009.126. provides that formal censure is the maximum sanction for a Code of Conduct Violation. However, as noted in footnote 2, *supra*, the voters recently approved the addition of a new subsection to the Tempe City

Charter, which, upon approval by the Governor, will authorize the City Council to remove a councilmember, by supermajority of 5 of 7 votes, for unlawful conduct involving moral turpitude, fraud or corruption.

### **Preponderance of the Evidence**

The City Attorney has indicated that a preponderance of the evidence standard is what they apply to determine Code of Conduct violations. There are also Arizona cases that have held that the preponderance standard is appropriate in administrative proceedings. In the *City of Tucson v. Mills*, the Court of Appeals held that “a majority of the [City of Tucson] Civil Service Commission members must be persuaded by the preponderance of the evidence to concur with the opinion of the discharging officer.” 114 Ariz. 107 (App. 1976). Similarly, the Court of Appeals also held that “absent legislative adoption of a different standard, applicant’s fraud in attempting to secure license to practice nursing may be established by same preponderance of evidence standard generally applicable to contested cases under the APA.” *Culpepper v. State*, 187 Ariz. 431 (App. 1996).

The RAJI (Civil) 3d Standard 9 defines the “preponderance” standard as: “On any claim, the party who has the burden of proof must persuade you, by the evidence, that the claim is more probably true than not true. This means that the evidence that favors that party outweighs the opposing evidence. In determining whether a party has met this burden, consider all the evidence that bears on that claim, regardless of which party produced it.”

### **III. RECOMMENDATIONS**

Applying a preponderance of the evidence standard, as instructed by the City Attorney and as supported by Arizona case law in administrative proceedings, the evidence discovered in my investigation, as set forth in detail, *supra*, in the Findings of Fact section, establishes that Mr. Granville has violated the City’s Code of Conduct. The evidence is such that it is more probably true than not, that Mr. Granville’s interactions with [REDACTED], [REDACTED] and [REDACTED] constitute abusive attitude, language, behavior and/or conduct toward the public, as well as behavior that resulted in physical harm, or the threat thereof, to the public. This behavior also does not meet a reasonable standard of respect in his interactions with the public, namely three young women he knew to be vulnerable and had very recently been students at the school at which he was in a position of authority and respect as a teacher. This included one woman who had only been 17 at the time of their first interactions. Mr. Granville’s conduct was of such a nature that it caused discredit to the City. Likewise, these interactions also appear to have violated the decency, respect and dignity guidelines in the Ethics in the Workplace manual.

All three women told consistent stories to Det. Mose, and those stories were the same as reported to TPA and were backed up in part by written communications with Mr. Granville. Mr. Granville did not definitively deny several of the allegations, and his

answers were inconsistent with some of the written communications and contradicted by all three women. He also admitted to several of the interactions, although claiming to not remember some of the actual criminal conduct alleged during those interactions, and he also admitted he knew these young women to be very vulnerable, and that he made some bad choices where they were concerned (although he denies knowing [REDACTED] was 17 when they first went out). He also agreed that there was reason to be concerned, considering their ages, status as former students (and vulnerable), and his position as a teacher at the high school from which they had all recently graduated. There were numerous things that he could not unequivocally deny, but could only say he does not remember it happening or that he is sure he would not have done that, as it would have been out of character. And his other students confirm via written reviews that he had a reputation for behaving inappropriately with/towards female students in his classes as well. Further, TPA terminated him from his teaching position immediately, and he is also being investigated by the State Bar, and it appears he could also lose his teaching credentials. Much of the story about Mr. Granville's conduct with these women and his firing were also reported in the newspaper and on the internet.

In sum, it appears that the allegations constitute a violation of Rule 406.B. of the Personnel Rules (9-12), as well as the cited portions of the Ethics in our Workplace Handbook. Consistent with Resolution No. 2009.126., formal censure is currently the maximum sanction for Mr. Granville's violations of the Code of Conduct. The maximum sanction could be changed to removal from office in the near future.